G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1906.
(Muzrai)

File No. 268

Serial Nos. 1—10.

Papers Filed.

Month January 1910.

SUBJECT.

Passing orders on the review application of the Swa of the Sri Uttaradi matt regarding the claims of Shankhopu Srinivasa Muthachar to the Decree holders of matt and the restoration of the landed endowmen to the matt.

PREVIOUS REFERENCES.	LATER REFERENCES
Muz. 7. 198—04.	Muzrai 7 186—10

G.R.S. 11]

1926.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No.

FILE HEADING.

Sri Uttaradi Math at Narsipur.

From

Nc.	Dated	Received

Diary No.	Enclos	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—12 8 11

Patrol to be
made over to the
Matt
2 Balance of
monthly grants
to be made over
to the Matt
3 Matt ab
Seringapatam
& the 3 Bean
Villages Hiremarli
Chickmarli
Bevinkuppe
& Mysore Matt
& Inam Village Gulahari

Construction of
Matt no Bungalow

Annual remittance
to Matt of income
from villages

Arrangements to be
surveyed & settled

Grant of Rs 15000
for Redipe trip

Rs 58,000/-

A Note on the Uttaradi Matt----

case submitted by the Huzrai Secretary on

the 16th August 1907.

--- 0-- .....

The long office Note in

A this file marked with Slip A contains a Memo-randum submitted by me to the late Dewan on the 9th August 1901 on the affairs of the Sri Uttaradi Matt, his orders thereon dated 31st December 1904 on pages 42 to 45, and my further note dated 16th August 1905.

2. A brief note on the same subject

B which was submitted by me on the 10th March 1905 marked with Slip B is also in the file. This note was intended by the late Dewan to be sent to the Residency with a letter requesting the co-operation of H. H. the ---- Nizam's Government in rectifying the affairs of the Matt, but the Draft to the Residency was not issued.

3. In November 1904 on hearing that the Swami of the Matt had nominated one Veda urti Jayachar as His successor without --

obtaining the sanction of H. H. Maharaja thereto, an order No. 1621-34, dated 9th November 1904 was issued with His Highness' sanction refusing to recognize the nomination, and attaching all the endowments of the Matt situated in Mysore Territory, pending the submission of an explanation by the Swamigalu as to why such a nomination was made by him in so sudden a manner without consulting his disciples in Mysore Territory and without obtaining the previous approval of H. H. the Maharaja.

4. Subsequently, after consulting with one Govindachar, a near relation of the late Swami, who had been sent by the latter, the late Dewan submitted certain proposals to H. H. the Maharaja and these were with His Highness' sanction, issued in Govt Pro. No. 3779-92½/ Muz F 3-1902 dated 9th March 1906. In these Proceedings the succession was recognised as it was ascertained that the nominee was well educated and possessed all the qualifications as to

y and aust ity that were ~~signed~~ appeared in the

Swami's wife's sister's son.

D

High Priest of such an important Matt. In regard to the long dispute which had ---- existed between the Matt and its hereditary servants, it was directed that the - amounts claimed by three of the servants under the Decrees of the Mysore Courts -- should be paid to them to the extent proportionate to the income derived by the - Matt in Mysore Territory, and that the --- others, whose claims were very small, might be paid in full from the same source. It was also directed that the claims of all the servants for the periods subsequent to the dates of the decrees should be dealt with in the same manner. Further the Swamigalu of the Matt was advised to appoint the servants to their respective -- offices in compliance with the decrees of the courts in that behalf. It was further stated in the Pro. under reference that the important questions of succession and satisfaction of Decrees against the Matt having been settled as above, the attachment of the Matt properties must be withdrawn, but that as Gowindachari represented

igalu was agreeable to the --

ds in question remaining under the manage

ment of the Mysore Govt they might con-

tinue under Govt management as heretofore,

so long as the High Priest desired such an

arrangement to last .

5. After the issue of the above men-

tioned orders of the 9th March 1906 the --

hereditary servants were asked by the Muzrai

Secretary, who had been empowered to make

the needful payments, to submit an account

of their claims together with court certifi—

-cates as to the amounts already recovered

by them. In reply, the hereditary servants

submitted claims to the extent of Rs. 2108/

for the periods for which they had obtained

decrees and Rs. 21,520/- for the subsequent

periods up to the end of June 1906, calculat-

ingthe gross income derivable from Mysore

Territory at Rs. 12,636/- per annum. But, tak-

-ing the gross income at Rs. 10447/-, which

was the amount actually derived in 1905-06,

the claims are reduced to Rs 1841-8-0

for the Decree period and Rs. 19,222-8-0 for

the subsequent periods.

By the time the above information

received and submitted for orders, the

att through one Jayaramachar sent a - telegram to Govt. stating that they intended to submit an application for -- setting aside the Govt. order of 9th March 1906 and praying that the amounts be not paid ~~may not be delivered~~ to the hereditary servants until that application was con -sidered and disposed of. A Review --- petition was accordingly presented on 5th December 1906 on behalf of the Matt by ~~one~~ Jayaramachar who produced ~~the~~ a General Power of Attorney from the --- Swami of the Matt. The petition, which is a printed one, is addressed to the - ' Government of H. H. the Maharaja of Mysore ', and is signed by the Agent - Jayaramachar above referred to.

7. The hearing of the Review -- application was adjourned from time to time at the request of one or other of the parties and was finally heard at - the Public Offices Bangalore by the -- Dewan and the II Councillor on Friday the 31st May 1907.

The Uttaradi Matt was represented Mr. Tiruvenkatachari B.A.,B.L., Vakil of the High Court of Madras and Advocate of the Chief Court of Mysore. Mr. H. Narasinga Rao, Advocate Chief Court of Mysore, and Mr. T. Rajarama Rao Pleader, Bezwada, also watched the case on behalf of the Matt. On the other side the undermentioned servants of the Matt were present in person.

1. Sethu Madhavachar --Shanbhogue
2. Sanjeeveni Madhavachar --Dod Ugrana.
3. Sangli Anantachar ---Do----
4. Murtya Char --Lowkika Parpattegar.
5. Krishnamurtyachar --Vydeeka Parpattegar.
6. Anantachar ---------Do--------
7. Subramanyachar --------Do----
8. Sreenivasachar -------Do-------

8. The latter asked for a further adjournment with the view of their employing an Advocate, but this was not allowed as the case had been put off several times for one reason or other, and the parties had had plenty of time to prepare themselves. They therefore argued the case in person through one of their number named

Anantachar.

9. The Govt. Advocate was also present during the hearing. A question was asked by the Dewan ~~as to whether~~ if the question -- ~~the decision as to~~ whether the servants were doing their duties properly or not -- was a matter within a Civil Court's jurisdiction, and whether the Yejaman was not the authority to dismiss his own servants for misconduct. To this the Govt. Advocate replied that the Chief Court had held in this case ~~and~~ that the -- courts had jurisdiction in such matters

10. It was next brought to notice that Mr. C. Sreenivasiengar, Sub Judge at Mysore, in Suit No 760 of 1888 on the file of his court held that the hereditary nature of the Plaintiffs' (Shanbhogues) office was proved, but that the particular Shanbhogues before the Court had been properly dismissed for misconduct and that therefore these -- particular individuals could not obtain the offices or emoluments claimed by

ief Court while confirming the Judgment, held that the heirs of the dismissed servants might sue for the offices &c. Thereupon ~~such~~ the heirs of the dismissed servants subsequently filed suits in the Sub Judges' Court, which were heard and disposed of by Mr M. Ramaswami Iyer, Sub Judge, and the decrees passed thereupon, which -- were subsequently confirmed by the Chief Court, formed the subject of the present applications for settlement.

11. The Vakil for the Matt pointed out that in the Govt. order of 1904 the non-recognition ~~to~~ of the succession to the Matt was directed on the ground that ~~was based chiefly upon~~ the former Swami of the Matt ~~not having~~ had not obtained the previous sanction of H. H. the Maharaja, and no order was passed therein regarding the decrees against the Matt, whereas in the subsequent order of 1906, Govt., all of a sudden, gave instructions for the payment of the amounts decreed by the Civil Courts against the Matt. He pointed out that the Govt. order in regard to the decrees appeared to have been made under the impression that it was a omise based upon the statements made

by Govindachar on behalf of the Matt - and by Sreenivasa Murtyachar on behalf of the Chanbhogues and other hereditary servants of the Matt, but he argued that Govindachar was not the accredited --- Agent of the Matt, that he held no --- power of attorney from the Matt and that, even should he be considered as duly representing the Matt, the arrangements ordered by Govt. could not be -- viewed in the light of the fulfilment of a compromise as the two points (repd to below) which he wished to emphasize on behalf of the Matt were over-ruled in the Govt. order. He explained that before the order of 9th March 1906 was passed Govindachar had interviews with the Dewan and the Muzrai Secretary. Govindachar represent -ed the then Swami and he (Govindachar) was anxious that there should be a final settlement of the various questions then in dispute between the Swami and the decree holders-- servantsof the -- Matt. With a view to such a final ---- settlement he made certain proposals

important featuresof which were recorded in the notes made by the Muzrai -- Secretary about August 1905. There was no final settlement. The points, which the Matt wanted to emphasize and on which alone they were willing to effect a final settlement, were —

1. The payment of lumpsums in lieu of percentage on gross income for periods subsequent to the periods for which decrees had been passed,

2. Employing the decree holders in any capacity which would not involve personal service to the Swami

——— The decree holder's representative was present at the interviews and gave his opinion on the proposals made. ———

——— The Govt. order of 9th March 1906 (para 9) was passed without the consent of the Matt and against what was put forward by its Agent Govindachar in regard to payment at 2½ % on the gross income. Thus there was no final settlement.)

He then argued that none of Decree holders actually applied to the

Matt for restoration to the office. -- They applied to the courts for execution of the decrees as regards the emoluments due to them and never applied to the Matt for restoration to the office. The Vakil then referred to a Judgment of the District Judge of Salem (Mr. Miller, now a judge of the Madras High Court) in which the Judge refused to issue any process in execution of the decree until one of the decree holders was restored to office and such decree holder made application for execution of the decree. He referred to the fact that some of the decree holders had -- been actually attaching the incomes -- from some of the endowment lands in -- Mysore Territory and had been recovering some of their dues. This being so , it was not correct on the part of the Executive of the Mysore Govt. to pass orders for the payment of money direct to the decree holders and ousting the jurisdiction of the courts. If the execution of the decree had been left to

properly constituted courts which alone could satisfactorily enforce the decrees, the Matt would have had the opportunity of contesting the applications for execution by advancing legal objections such as limitation, the laches, and misconduct of the decree-holders subsequent to the decrees and so on, but the Govternment order had, by summarily directing payment, debarred the Matt from raising its legal objections, The Vakil therefore represented that the Govt. should not undertake the execution of the decrees of civil courts, which would give rise to a great many difficulties.

13. Referring to that portion of the Govt. order of 9th March 1906 -para 11- which prescribes that " the claims of the servants for the periods subsequent to the date of the decrees will also be dealt with in the same manner", the Vakil remarked that that direction was open to still greater objections than those relating to the decrees, and that Govt. had no power to take upon themselves to order payment in cases where no suits had been brought decrees obtained. The presentation of

such a claim would have to be defended by the Matt on various grounds such as the fact that the servants had rendered no service for the period in question, the bar of limitation, the competency of the petitioners to hold offices in the Matt and so on, and the Govt could not, in their executive capacity, pass orders in such disputed cases which -- could only be satisfactorily tried and decided by a court of law. It was also urged that the Govt should not have -- taken advantage of their being in --- management of the Matt properties temporarily by reason of the successor to the late Swami having been appointed without their consent, and awarded ---- amounts to the decree holders and also for subsequent periods, out of the realizations from the properties under such management.

14 The Vakil also made reference to the fact that while the Govt. themselves in their communication No. 382

th October 1894 directed that the cash allowance payable by Govt. to the Matt was ~~were~~ not liable to ~~for~~ attachment under the ~~of~~ decrees of the civil courts, they have in their order of the 9th March 1906 made the accumulated savings from those allowances liable to the payment of the claim of the servants preferred under the same decrees.

15 It was also brought to notice that the attachment by Govt. of the Matt's Estates in Mysore territory was ordered in the Govt. Pro. of 9th November 1904 on the ground of the succession to the Guruship having been filled up without the sanction of H. H. the Maharaja and also to some extent on the ground of mismanagement. The Vakil contended that the existence of a long-standing dispute between the Matt and its servants and the non-payment of the decretal amounts on account of various legal objections could not be considered to be an item of mismanagement justifying the order of Govt. for payment of the claims of the servants.

16 The Vakil added that the Matt

had no objection to the expenditure incurred by Govt. out of the Matt's ---- revenues on account of the Sanskrit -- Patasala conducted under Govt. management in the Hole-narsipur Matt and also on account of the repairs effected to the several Matt buildings in the ---- Mysore State, but that the Matt could not agree to payments being made to the decree holders as directed in the Govt. order of 9th March 1906.

17 On the question as to the return to the Matt's management of the - several land endowments attached by -- Govt. under the orders of the 9th Novem -ber 1904 and of the cash allowance attached in 1894, the Vakil brought to notice ~~that in~~ para 14 of the order of 9th March 1906 in which it was stated that " the lands and the cash Tasdik endowed to the Matt from this State -- will continue under Govt. management as heretofore so long as the High Priest of the Matt desires such an arrangement to last". He requested on behalf of the

that the management of the lands and the said allowance might be made over to the Matt, and stated that as the Govt. had already passed orders to that effect there should be no difficulty in complying with this request of the Swamigalu.

18 On behalf of the counter petitioners (the hereditary servants of the Matt), one of their number named Anantachar addressed the Dewan and represented that the hereditary nature of their offices and emoluments ~~which had all been placed before~~ had been considered by the courts and accepted by them, and that owing to the persistent refusal of the Swami to give them their dues and restore them to their offices, they had been reduced to extreme poverty. It was not true, as argued by the Matt's Vakil, that they did not apply to the Swami to be restored to their offices. They did make attempts in that behalf but they were not given even an interview. Even recently, after the late Swami's demise, they proceeded to Madras to make their representations to the new Swami, but they were refused an audience.

On finding that the Swami would not give them the reliefs decreed in - their favour, they had ~~no~~ resort to the Courts for execution of their decrees but their attempt was, to some extent frustrated by the Govt. order of 1894 in which it was stated that the cash - allowance of 526Rs per mensem made to the Matt by Govt. was ~~declared to be~~ not liable to attachment by the Civil Court, and the allowance was attached by the Govt. themselves. They next attempted to send the decrees to the -- Hyderabad Courts for execution but they were not forwarded by the Government. Some of the decree holders proceeded against the inam villages of the Matt situated in Mysore, and, notwithstanding the objections put forward by the Matt agent, they obtained an order from the Sub Judge of Mysore to the effect that the income from the inam villages was liable to attachment in execution of their decrees. This order was confirmed in the Chief Court and, by virtue

thereof, the decree holders have recovered a small portion of the amounts due to them, but even this source of income has now been denied to them as the Govt. have, by their order of the 9th November 1904, attached all the Matt's inam villages in Mysore -- Territory.

20 Anantachar further argued that as, under the Chief Court's decision the - income of the Matt is liable for the payment of the decreed amounts, and as the Govt. is now in possession of such income, the Govt. were right in ordering payment ~~of the decree~~ from the Matt's revenues in their hands, and if the Govt had not passed such an Order, the decree holders ~~holders~~ would have recovered their dues by attachment of the income from the inam villages.

21 Anantachar stated further that the late Swami was persistently refusing the reliefs due to ~~them~~ the servants because they were checking the action of the Swami in his desire to waste the Matt's resources on his favourites, and in other ways, and that he evaded and opposed the execution of the decrees with that object. Anantachar pointed

er that while there was a standing

rule in the Matt (signed along with others by the former Swami during his Poorvashrama in his name of Chikkodi Jayarayachar) to the effect that the son of a former Swami should not exercise any power in the Matt, the son -- (Seturamachar) of the late Swami is ~~now~~ exercising absolute authority over all the affairs of the Matt at the present day, denying all chance to the -- decree holders to obtain redress at the hands of the new Swamigalu.

22 Anantachar drew the attention of the Dewan to some of the old documents in the printed book in the File, which showed how the Shanbhogues and - other hereditary servants were intimate -ly connected with the Matt, and also to the petition addressed in 1878 to H. H. the Nizam's Govt. by several of the Matt's disciples in Mysore, among whom was Mr. (now Sir) P. N. Krishnamurti, complaining of the mismanagement of the Matt by the Swamigalu.

In conclusion, Anantachar -- with reference to the Matt's --

arguments, that while the Matt gladly accepted all the benefits conferred by the Govt. order of 9th March 1906, such as the recognition of the new Swamigalu and the withdrawal of the order of attachment, it should also accept without demur the portion of the order which was not in its favour, viz., the direction for the payment of the amounts due to the hereditary servants.

-- 24 During the course of the arguments advanced by the Matt's Vakil, the Muzrai Secretary explained that Govt. had to pass orders in the manner they did relative to the payment of the decree holders claims, because the Swamigalu did not himself take steps towards satisfying the decrees of the Courts, an attitude which detracted from the dignity and prestige of the Institution.

25 After hearing all the arguments the ~~Dwan~~ Dewan was pleased to remark that the case was one eminently fitted for a compromise. Thereupon, Mr. H. Narasinga Rao, Advocate stated that the Swamigalu was ready to

to any arrangements that might be -

suggested by this Government provided-

(I) the decree-holders or any members of their families were not allowed to do duty within the precincts of the Matt or near the person of the Swami.

and (2) the payment of percentages ~~were~~ was ~~committed~~ commuted to fixed monthly or annual -- cash payments.

The first condition was proposed because in the state of feeling existing between the parties, the Swami-galu was afraid of danger to his person, and the second was suggested owing to the inconvenience of calculating the actual receipts every year and the deductions to be made therefrom before striking the percentages, and the disputes that might arise constantly on these points. It was also stated by the Matt's Advocate that there was no objection to the decreeholders being employed on the Matt's estates but not near the person of the Swamigalu.

26. The parties were then asked to state in writing the terms upon ---

ion they would enter into a compromise and to speak to the 2nd Councillor on the subject.

27 Two of the decree holders viz Shanbhogue Setu Madhavachar and Lowkika -- Parpattegar Narasimha Murtyachar appeared before the 2nd Councillor on the 11th June 1906 and represented that it was difficult for them to give up their right to work - within the precincts of the Matt and to exercise a check over the management of the Matt. They were asked to put their views in writing and were told that upon receipt thereof their proposals would be sent to the Matt and its views obtained. They have accordingly submitted a petition which was presented to me on the 10 th instant. In it, six of the decreeholders say that Jayaramachar, the Agent of the Matt told them that a compromise would be agreed to by the Matt if they gave up their huk and entirely abstained from seeking any relief awarded by the -- Chief Court. They say that they are prepared to abide by any compromise that may be arfor, so long as it is not inconsistent

with their established rights. They add that a Panchayet may ~~might~~ be aprointed for setting the differences and they will ~~would~~ abide by the decision of such panchayet provided it is in conformity with the Chief Court's decision in regard to --- their hereditary huk.

[illegible]. The Matt having, through its Advocate Mr. H. Narasinga Rao, already specified the conditions upon which it would enter into a compromise, it does not seem necessary to send the petition to the Matt as the decree holders insist upon their hak to their respective offices, while the Matt declines to allow this. The case has therefore to be decided on the merits.

The Sri Uttaradi Matt appears to have been an established institution in the Mysore State for some centuries past. It is stated that in the time of H. H. Maharaja Raja Wodeyar the Matt which had previously been in existence in the State was installed in Hole-Narsipur and grants of land and other properties were made thereto. The Gurus

Matt who came down in regular succession from Sriman Madhwacharya, the founder of the Madhwa sect, appears to have been ---- treated with respect and esteem by the Maharajasof Mysore until the days of Dewan Purnaiya who still further improved the status of the Matt and gave for its occupation an old palace of the pallegars at Hole Narsipur, and in other ways interested himself in the affairs of the Matt. During his time some portions of the Matt building were burnt down by fire, and many of the important records of the Matt were lost. In order to replace the lost documents Sri Satya Dharma Theertha Swamigalu, the presiding Priest at the time, is stated to have compiled in the year 1815, with the help of those who were well acquainted with the subject, a book incorporating therein all the previous customs and usages of the Matt. This book is known as Sampradaya Paddhti Pustaka. From this Book and other documents, which came before the courts, it appears that there were 63 servants, such as Shanbhogues , Partegars &ca, who were always attached to

the Matt from time immemorial, that --- their offices were hereditary, that -- some of them were given fixed pay, while others were remunerated by way of percentage upon the income of the Matt, that the duties of such servants includ -ed the responsibility of keeping watch and ward over the Matt's properties and incomes, that they were to check extravagance on the part of the Mathadhipathies and their officers, that their consent as well as that of the disciples of the Matt should be obtained to the nomination of the High Priest of the Matt, and so on.

30 In a Nirup of Dewan Purnaiya dated 1801-02 it is stated that the 63 servants of the Matt together with the Swami himself form 64 servants of Sri Ramadevaru who is worshipped in the -- att, and that they should all of them see that the Matts' resources were not squandered or misapplied. There are -- also several orders issued from time to time by H. H the Maharaja Krsihnaraja

yar Bahadur III acknowledging the here-
ditary nature of the offices of the Shanbhogues and other
servants, and also directing those servants
to see to the economical working of the in-
stitution and not to allow waste on the -
part of the Guru. That Maharaja also com-
plained more than once of the wandering pro-
pensities of the Swamis and exhorted them
again and again to return to the Mysore State
and, by worshipping Sri Rama in the Matt
at Hole-Narsipur, to pray for the welfare
of the Ruling Family. He also gave orders
from time to timeto Amildars to personally
see whether ~~that~~ the services in the Matt
were being duly carried out and also gave
directions when disputes between the Matt
and its servants came to his notice. Exercising
as they did enormous powers over the affairs
of the Matt, the Shanbhogues and other ser-
vants appear to have often come into con-
flict with the Gurus, who resented inter-
ference with their authority, and therefore
it is found that on some occasions the Shan-
bhogues were dismissed, but that subsequently
they made good their cause and obtained from

the Swamies confirmation of their rights and privileges. Documents known as --- Vyavastha Patrikas were executed by more than one Swami laying down rules for - the conduct of business in the Matt, and in all of these the rights and pri- vileges of the Shanbhogues and other - servants were emphasized. The State of feeling therefore between the Gurus and the servants appears not to have been very satisfactory, the one side forcing their authority upon the Guru and the other side resenting the trammels under which it was placed. An incident occurr- -ed during the time of Satya Veera --- Theertharu which appears to have been taken advantage of by that Swami for shaking off the authority of the Shan- bhogues and other servants. During the visit of the Swami to Madras in 1884 a jewel called Thammani and a gold Umbari belonging to the Matt were lost and a criminal prosecution was thereupon --- launched against some of the hereditary servants of the Matt. The prosecution

h was conducted in the court of the 1st class Magistrate of Mysore (Mr C. Sreenivasa Iyengar) failed, but the Guru took advantage of that opportunity and dismissed all the 63 hereditary servants of the Matt. That Swami died soon after, and during the time of his succession, Sri Satya Dheera Theertharu, the hereditary -- Shanbhogues filed a suit in the Sub Judges' Court, Mysore, in 1888, asking for restoration to their offices and the emoluments attached thereto. The exhaustive Judgment of Mr. C. Sreenivasa Iyengar, Sub Judge, and the large number of exhibits produced before him are printed in a Book now in the File, and in it much information regarding the old history of the Matt is available. I have prepared and placed in the File a list of the important documents in that Book and given brief abstracts of their contents.

31 Out of the 63 servants that are said to have been dismissed, 12 persons have had resort to the courts, and in all these es the subordinate Judge of Mysore (Mr.

(Mr. M. Ramaswami Iyer) gave decrees for the Plaintiffs and against the Matt which were all confirmed by the Chief Court in appeal. Owing to the appointment of a successor as High Priest of the Matt without the sanction of H. H. the Maharaja and the mismanagement of the Matt and its affairs the properties belonging to the Matt in Mysore Territory were attached under Govt. order No. 1621-34 dated 9th November 1904, and subsequently upon the explanation offered by the Swami through Govindachar, who came to represent the Swami's views, the succession of the present Swami was recognised by Govt. in Pro. No. 3779-92½ / Mus 7 3-1902 dated 9th March 1906, and orders issued directing the disbursement of the decretal and other -- amounts to the decree holders in the manner prescribed in those Proceedings.

32 Referring to the action taken by the Govt during the past ~~5~~ seven years in this matter I beg very respectfully to submit the following:-

33. The late Dewan Sir P. N. Krishnamurti was taking an interest in the affairs of this Matt (to which he belongs) from his younger days as ~~the successor~~ a descendant of Dewan Purnaiya. He holds the title of Visishtachara Sampat Sadhakaru (విశిష్టాచారసంపత్సాధకరు) from the Matt. So far back as 1878, he was one of the signatories along with other --- respectable Madhwa gentlemen of Mysore, to a petition addressed to H. E. Sir Salar Jung, Prime minister of Hyderabad complaining -- against the wasteful action of the Guru of the Matt and requesting that the accounts of the Matt may be examined and the Swami bound to a strict observance of his legitimate duties. Ever since the troubles commenced in connection with the dismissal of the hereditary servants from the Matt, Sir -- Krishnamurti was constantly trying to bring the parties to terms and to restore peace in the Matt. I am informed that such an attempt was ~~previously~~ made by him when the Swami was in Bangalore in 1895, but that the attempt failed. After Sir Krishnamurti became wan, he went through the statement of the

Matt's case submitted by me in August 1901, and granted an interview to the late Swami's son named Sethuramachar and to Govindachar, the wife's sisters son of the late Swami, on the 9th December 1902, and discussed the whole matter with them, pointing out that it was undignified on the part of the Swami to refuse compliance to the Chief Court's' decrees, that the hereditary servants were only servants after all, that those who actually resisted the Swami and had ill feeling towards him had almost all died, ~~and~~ that the existing hereditary servants had all been reduced to extreme poverty and that it would be gracious on the part of the Swami to admit them into the Matt and restore them to their offices on such terms as ~~may~~ might be agreed upon. The two representatives of the Matt went away promising to communicate the Dewan's views to the Swami and let him know the result. Nothing came out of this interview. Mr. M. --- Shama Rao, Assistant Secretary with the

and myself were present during this interview. With reference to these attempts at a compromise, it is worthy of notice - that after hearing both parties in this case on the 31st May 1907, the present Dewan also arrived at the independent opinion that the case was one eminently fitted for a compromise and directed that one should be attempted before the case was decided on the merits.

34. Next came the action of the late Swami in nominating a successor without obtaining the sanction of H. H. the Maharaja. The former precedent of a case in which a Swami had been appointed without the Maharajas' consent and wherein H. H. the Maharaja Krishnaraj Wodeyar Bahadur III took umbrage, was consulted, and in pursuance of the policy enunciated in Govt. Pro No. 233-42, dated 14th December 1892 directing that all successors to Matts should receive the sanction of H. H. the Maharaja, it was directed that the offending Swami should submit an explanation in the matter and that in the meanwhile all the land endowments of the Matt in Mysore Territory should be attached. In this Order

a reference was made also to the mismanagement of the Matt's affairs, the dilapidation of the Matt buildings and the non-satisfaction of the decrees of the civil courts held by the hereditary servants of the Matt.

After the issue of the above mentioned order of 9th November 1904, the Swami himself sent a Pleader named Mr. T. Rajarama Rao to the Dewan making overtures for a settlement. The Dewan was not prepared to deal with the ---- matter by means of a pleader but said that if Govindachar came he would attend to any representations that might be made by him on behalf of the Matt. Govindachar was specially mentioned because he was the elder brother of the present young Swami of the Matt and because he had taken part in the negotiations on former occasions. Govindachar did not come with a Power of Attorney but he was an important person having the interests of the Matt at heart. Under the Dewan's direction, Govindachar on

Matt, and Srinivasa Murthachar on

lf of the hereditary servants, stated the several points requiring decision, and these were recorded by the Muzrai Secretary.

——— Upon a consideration of all the facts of the case and the statements of the parties the Govt. order of 9th March 1906 which is now sought to be reviewed was issued under the sanction of H. H. the Maharaja.

36 The Vakil from the Matt argues that Govindachar was not the duly recognised agent of the Matt and that his statements should not be held as binding on the Swami, but I beg to submit that both he and Mr. Rajarama Rao, Pleader, came with the permission of the Swami to make representations to the Dewan of Mysore on behalf of the Matt, and that therefore their representations have to be held as those of the Swami. It is further argued that if the order passed in the Pro. of 9th March 1906 is to be considered as the result of a compromise, no compromise was actually effected because the chief points on which Govindachar insisted viz., that the hereditary servants should not be

en offices within the premises of the

Matt and that the remuneration should be converted into fixed pay instead of percentages, were overruled by the Govt. On this point I beg very respectfully to say that the order in question did not deal with the matter as a compromise between the parties. It was an order passed by the Govt. upon a consideration of the representations made by both the parties. The order distinctly says how Govt. finds it impossible to override the terms of the decrees in the matter of the restoration of the hereditary servants to their respective offices and ~~to~~ of their being paid the emoluments as allowed by the decrees.

3/ The next point which was argued was that the Govt. should not have directed actual payments to the decree holders, thereby ousting the jurisdiction of the civil courts. In this behalf I beg to say that such an order was passed because the Swami made no effort to pay the decree holders but was on the contrary raising objections to --- their getting their claims satisfied.

Govt felt that it was undignified and unfair on the part of such a respected institution to refuse the just claims of the servants which had been decreed by the -- courts, and in the absence of willingness on the part of the Matt, directed payment from the funds of the Matt now held by the Govt. Although lands and cash allowances have been granted to the Matt it has always been understood that the Govt. has the power to see that the objects of the grant are duly fulfilled and that the institution is managed in a proper manner, that is to say, that nothing is done derogatory to the dignity, prestige and good name of the Matt.

38 It will be noticed that the -- arguments put forward by the ~~Plaintiffs'~~ Mafi's Vakil Vakil and in the Matt's memorial are all of a technical character and it is complained that, in consequence of the Govt Order, the Matt is debarred from taking ~~that the obstructions and objections avail-able to the Matt are denied to it, thus~~ the legal objections to the execution of the decrees which would otherwise be available to it, thus showing that ~~their~~ the Matt's intention is to see how the hereditary servants may be defeated in getting their claims adjusted, and not to see that right is done, and that legitimate

claims are satisfied. Strictly and technically speaking, however, the arguments ~~addressed have~~ adduced by the Vakil have much weight, and it does not seem possible for the executive of the Govt. in the Muzrai Department to give practical effect to the order so far as it relates to the payment of decreed amounts to the hereditary servants. The actual calculation of the amounts due under the decrees, their distribution among the surviving members of the decree holders' families and the various legal questions that may arise are all matters that cannot be dealt with except by a court of law, and it seems therefore necessary that that portion of the order -- which directs actual payment by the -- Muzrai Secretary should be cancelled. The order passed as to payment of the amounts due for the periods subsequent to those mentioned in the decrees is also not sustainable and has to be rescinded. The result will therefore be that the decree holders will have to go to Court for execution of their decrees, and for

periods subsequent to the decrees they have to file fresh suits. This arrangement will be in accordance with what the law directs and there can be no objection to modify the order of Govt. in this manner.

39 In view however of the attitude of the Matt in refusing to satisfy the decrees and other claims of the hereditary servants of the Matt, it appears safe that the amounts now held by Govt as the revenues of the Matt from Mysore Territory may be continued to be so kept in the hands of the Mysore Govt. for payment to the servants in question when applications are received from the courts for such payment. It is a pity that the ~~old~~ whole question cannot be once for all satisfactorily settled by actual payments for the past and by making some suitable arrangements for the future.

We have Rs. 45000 in 4% Loan paper and about Rs 1000 in the Govt. Treasury and Savings Bank.

40 The attempt at a compromise suggested by the Dewan has not proved successful as the hereditary servants in their petition of the 7th instant insist upon the acknowledgment of their hereditary hak, and because the Matt on the other side declines

to allow the hak so far as it relates to actual service within the precincts of the Matt. ⊗

^ The Govt. Advocates (Mr. S Narayana Rao's) opinion which was obtained on this subject is in the File -

Sup. Z

The next question is about the restoration of the Matt's lands and cash allowance of Rs. 526/- per mensem to the Matt. The Matt's Vakil has referred to the fact that the Govt. have already decided in the order of 9th March 1906 that the endowments will be restored when the Swami asks for their return. With reference to this I very respectfully beg to submit that the -- matter should be seriously considered before such restoration is ordered. It has been clearly proved, and has to a - great extent been admitted by the Matt itself, that the buildings of the various branch Matts in Mysore Territory are in a state of extreme dilapidation, and -- that the services in them are not efficiently performed. During the period of the management of the Matt's Mysore revenues by Govt. much improvement has been effected by the thorough renovation

the Matt building at Holenarsipur at a cost of Rs. 12000/-, by the repairs of the branch matts at Sreerangapatam and Mysore (Rs 6000/- and 1000/- respectively), by the rebuilding of the Matt at Arkalgud Rs. 3000/-, and by repair of the Matt's bathing ghat at Hole-narsipur, Rs. 3000/-. The proper performance of the services in the -- branch matts at Sreerangapatam and Mysore have been ensured by Govt. orders and by regular scales of establishment sanctioned for the purpose. The Sanskrit Patasala in the Hole-narsipur Uttaradi Matt and the Puja services of the deity in that Matt are being regularly conducted under the management of Govt. at a cost of Rs. 200/- per mensem. There is a great deal more of similar work to be done in other parts of the State, and particularly in Bangalore, where the branch Uttaradi Matt is in a dilapidated condition.

43 There is no guarantee that if the endowments are restored to the Matt, due attention will be paid to the improvements required and to the continuance of the proper working of the institutions which have

been already put in order. Even though it is understood that there has been -- considerable improvement in the management of the Matt recently, still it is well known that expenditure is incurred in a very extravagant manner by the -- holding of Sabhas and making rewards to Pandits and so on. Expenditure in these ways is no doubt good, but it is my humble opinion that it is being overdone. With the view of effecting the needful improvements to the Uttaradi Matts' -- branches in the Mysore State I think - the Govt. would be perfectly justified in declining to restore the endowments until all needful improvements are --- effected. The Govt. order of 9th March 1906 may be modified in this behalf -- also.

3

It will be good if the consent of the Matt [illegible] be obtained in the point

While on this subject, it --- seems desirable for Govt. ~~to consider~~ to take some measures for the management of the Head Quarter Uttaradi Matt in a proper and economical manner. As it is, the management rests in the ---

two individuals, the relations

the are absolute masters of

the large revenues of the Matt and of the

immense collections made during the Swami's

tours, and there is no sort of check over

them. It seems necessary therefore to ar-

range for such check by appointing a committee

of respectable gentlemen taken from Mysore,

Hyderabad and British India, with the con-

sent of the Matt, to supervise and examine

~~its~~ the Matts affairs from time to time.

Submitted to Dewan
thro' the II Councillor.

Anantalami Rao

16th August 1907.

Contents of the important Exhibits printed in the -- Book produced in connection with the Sri Uttaradi Matt Suit.

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1 C. Nirupa dated 16th April 1863 (Rudhirodgari) from H. H. the Maharaja to Venkata Madhvachar, Agent of the Matt. Recites that the Sri Uttaradi Matt which was at Hole-narsipur in the Mysore Territory was greatly improved by Dewan Purnayya, that large grants of Inam lands were made by the Mysore Maharajas and that notwithstanding all this the Swami was constantly away on tour elsewhere. Requests that hereafter at least the Swami will come and stay at Hole-narsipur performing Sri Ramadevara puje in the Matt.

Exh J. Dated 1879. From Sanjeevi Anniachar and 61 others hereditary Shanbhogues to Ramagiri Shamachar, Palace Vidwan empowering him to go to Chittapur Nizam's dominions to see to the safety of the Matt's property and other valuable jewel &c which were being -- squandered away by the Swami of the Matt.

Exh K. 1826 Vyaya. Nirup from H. H. the Maharaja to Shamachar -- says that when the Senior Swami went on tour, all the properties of the Mattshould be given to the charge of the Junior Swami and through Venkataramanayya and Kuppanna -- and that Shamachar and other hereditary servants of the Matt should go with the Senior Swami and safeguard the Matt's idol and valuable jewelry and --

bring the Swami back to Hole-narsipur.

Exh L. 1830 Vikriti. Nirup from H. H. the Maharaja to Subbannachar-- says that as the Matt Shanbhogues have been given hereditary appointments in the Matt to safeguard the Matt's properties &c they should not be influenced by the [illegible] of the Swami of the Matt and that all the jewels &c in the possession of the --- Senior Swami before his death should be taken and an inventry thereof should be submitted to Govt and afterwards given over to the possession of the Junior Swami-- and that the hereditary servants should act up to the orders of the Sircar.

Exh N 1851 Virodhi. Nirup to Venkata Madhwachar by H. H. the Maha-raja says that the Swami seems to be bent on keeping touring notwithstanding the large inam grants made by the State for the purpose of Aradhana &c in the Matt at Hole-narsipur and that if the Swami does not come back to Hole-narsipur the Swami will -- have to suffer in the matter of the inams.

Exh Y. 1878. Petition from Mr. P. N. Krishnamurti Jahagirdar of Yelandur and other disciples of the Matt to H. E. Sir Salar Jang Prince minister of Hyderabad-complains that the Swami of the Matt who is a mere guardian of the Matt properties has been squandering away the properties of the Matt and is not listening to the advice of the 5 hereditary servants of the Matt, whose duty it is to watch the movements of the Guru, restrain his ex-travagance and remonstrate against his misconduct if any.

Request that the accounts of the Matt may be ---

caused to be examined and that if any portion of the properties of the Matt is missing to call upon the Guru to make good the same and bind him to a strict obse

Exh A 4. Vadi of the Sw

and others in which the Swami

to a course of conduct in acc

toms in the Matt.

Exh A. 7. Vikrama. Accounts furnished by the Swamigalu to Shanbhogue Shamachar--- In the Srimukha the Swami states that Rs. 19180-3-0 as per details given are due among other payments to Shanbhogue Shamachar as being the amount spent by the latter in litigation against the Swami's predecessor in office, restraining him from making alienations of the Matt properties.

Exh A 10 Vishu. Agnapatra from the Swamigalu to Karnis Vasudevachar of Bangalore---- Directing the payment as before of the -- Varshasana of Rs. 20/- to one Shanbhogue Sreenivasachar out of the (Hiretana) collections made on bahalf of the Matt.

Exh A 11 Vrisha. Same as above with respect to the payment of Varshasanas to Shanbhogues Sreenivasachar, Samachar and others(according to Danapatra.)

Exh A 12 Pramadi. Aganpatra to ~~the~~ Chatri Gururoyachar --- Directing that out of the Varshasana of Rs. 50/- due to Haveri Venkata-Madhwachar, Rs. 20/- should be paid as before to Sreenivasachar and Shamachar Shanbhogues and also that 5 % of the total income

of the Matt villages should be annually paid to the Shanbhogues and Rayasadars. The arrears due to them should also be paid.

Exh 13. Vrisha. Aganpatra to Kinhal Venkataramanachar--- Directing the payment of a Varshasana of Rs. 40/- to Shanbhogue Sreeni-vasachar and Shamachar out of the income of the Matt within his jurisdiction of Kadapi.

Exh 15 Tarana. Agnapatra to Paichur Garudachar and others ----- Directing the payment of Varshasana of Rs. 20/- each to Veeni Madhwachar Subbannachar and Anantachar out of the collections - made for the Matt within his jurisdiction failing which his --- powers will be withdrawn.

Exhs 16& 17 Same as above with respect to certain others.

Exh A 27 1827. Translation in the printed Book. This is an important document wherein H. H. the Maharaja empowered the Matt servants to have a control over the acts of the Swami and of the Matt properties and also recognised the hereditary nature of the Matt servants.

Exh A 30 Vrikriti. Nirup of H. H. the Maharaja to Appajiah Amildar of Narsipur. ------ Directing on the complaint of the Parpattegars of the Matt Viz., Krishnachar and Pandurangachar, that the Matt Subhedar be sent for and asked to continue as usual the payment of 5 % of the Matt income and pay the same to the Parpattegars in future along with the arrears due to them.

Exh A 40 Sobhakrutu. Danapatra of Sri Satyanathatheeertharu to Shanbhogue's post and the perquisities attached thereto on Narana-

Bhatta son of Vittala Bhatta. In the Sasana it is stated that Vittala Bhatta, willingly sacrificed himself as a prey to the tiger and thereby saved the life of the Swami and that therefore the Swami conferred extensive powers such as maintaining accounts of the Matt, seeing to the proper selection of a competent Swami to --- succeed to the Matt., supervising over all the Matt servants and its affairs and guiding the Swamies in the proper conduct of the Matt affairs.

Exh A. 41 Tarana. } Danapatra of Sri Satyabhinavatheertharu successor of the above Swamigalu ratifying the above.

Exh A 42 Pingala 1797. } Deed of settlement executed by Srimad Satyavara Theertharu in favour of all the servants--- In token of the efforts made by the servants of the Matt in receiving the lost idol of Sri Ramachandra, the Swami expresses the trustworthiness of the Matt servants and states that as he is very weak after the fasting he is quite willing to hand over the Asrâma to the person nominated by them and abide by the terms of the documents - executed in their favour by the previous servants of the Matt. The Swami also recognises the hereditary nature of the appointments held by the servants.

Exh A 43 Yuva 1815-1816. } Translation in the printed Book.--- This ia an important Deed of settlement executed by Srimad Satya Dharma Theertharu -- in favour of the servants of the Matt for the -- duties done by them at the risk of their lives in rescuing the Matt idol, the Swami and the things during the conflagration. A

some of the documents were burnt during the conflagration, the Swamigalu in accordance with the immemorial custom as known to him goes to revive the grant for the future guidance of his --- successor in the matter of the selection of the Swami by the hereditary servants of the Matt and other important concerns of the Matt.

Exh 44 1834-35 Jaya. Translation in the printed Book. This is also a deed of settlement executed by Sri Satya Sankalppa Theertharu in favour of the servants. The servants having complained of the indebtedness of the Matt the Swamigalu acknowledges the powers already conceded to the servants by his predecessors in office and promises to abide by the terms of the Deed himself and that the same should be observed by his successor in office.

Exh 46 1801-02 Durmati. Order of Dewan Purnayya to Amiladr Linge Gowda of Narsipur Translation is in the Book. The Swami is to remain as the Varishtadhikari amongst the 64 servants of Sri Ramadevaru and at the time of his death he is only to hand over the seat to the one who may be voted thereto by the concurrence of the remaining 63 servants. His Holiness, his relative or the 63 servants are only to preserve safely the articles of Sri Rama, and none of them is at liberty to waste them away heedlessly.

Exh A 48 Durmati. Letter of Dewan Purnayya to Shanbhogue Shamachar In the concluding portion, the Dewan says that the Danashasana and other documents relating to their Hakdari appointments have been returned through the Amildar Linge Gowda.

Exh A 50 Sukla. — Agreement made among certain servants of this Matt protesting against the alleged intended nominations of an incompetent person to succeed to the Gurupeeta.

Exh A 56 Nizari 1296 — Order of the Judicial and Police Secretary on the petition of Lakshmikantachar-orders have been communicated to the Divisional Commissioner that if the Swami's death is apprehended the inventry of the Matt properties should be drawn up and if necessary the Matt precincts should be guarded by the Police.

Exh A 61 Prajotpatti — Danashasana of Sri Satyakama Theertharu to Pacha-purada Madwharoyachar &c wherein a hereditary grant of Rs 2800 worth of land in Atkur village of the Raichur Taluk was made to some servants of the Matt including one Tangayya. Danashasana wherein a grant of 200 Rs. worth of land in Gonapadi village to be enjoyed by Govindachar Swamiroyachar in hereditary succession

Exh A 63 1864 Rakthakshi — Petition of Madhava Rao under witness from the Swamigalu states that the new Swami was elected with the consent of the servants of the Matt and other disciples of the Dharwar District but that owing to ill-health and distance the same was omitted to be ~~committed~~ communicated to H. H the Maharaja and that in future such nominations will be made only after obtaining H. H's commands in the matter.

Exh A 66 1877. — A Mahazar drawn up by the Lowkiks and the Vydiks of the Sri Uttaradi Matt in Chikkodi Taluk. Therein the customs practised by the Swamies presiding over the Matt from ancient

days are detailed-- The translation is in the Book.

Exh A 70 Srimukha } An account shewing the vartane amounts admitted by the Swamigalu to be due to the Shanbhogues and other hereditary servants of the Matt.

Exh 71 page 113. } Sri Raghupati Theertharu was the Senior Swami and Sri Raghottama Theertharu was the Junior Swami of the Matt. The former made extensive tours, amassed much wealth and died in a distant country. The servants thereupon under instructions of -- the Swami carefully delivered over the Matt idol and all the -- other properties to the Junior Swami-- who thereupon in token of their sincerity executed a document under his seal and signature recognising the hereditary nature of their appointments in the Matt such as Shanbhogui &c. He also stated that such an arrangement was entered into in view to separate the spiritual functions from the temporals duties involved in the management of - the Matt's affairs.

Exh 71 Page 116. } Sri Vedavyasa Theertharu came to Sreerangapatam on an invitation from H. H. Sri Raja Woderu. He thereon proceeded to Narsipur and established a Matt therein under the auspices of Pallegar Narasimha Naik. He also observed that in order to - make the Matt servants take interest in the Matt discharge their duties properly and to give them a share in the total income of the Matt. To avoid incompetent men succeeding to the Guruship - the Swamigalu further imposed restrictions by extending the ---

powers of the Matt servants and the disciples in the matter of such nominations- He also issued copper Shasanas to the above effect.

Exh 71 Page 119. Sri Satya Abhinava Theertharu, in view to improve the efficiency of the Matt organised 64 sevas and appointed the additional servants required for the additional sevas specified and graded them specifically defining the duties to be performed by each including those to be observed by the Swamigalu himself. He has however reserved to himself and his successors the power to remove any such servant from his office who deserves such a punishment as by an intentional misappropriation of Matt property &c and to appoint in his stead any other competent member of his family.

The translation of this portion is in the Printed Bk.

Exh 71 Page 124. Herein the Swami acknowledges that he is only one of the 64 servants of the Matt that his duty is to worship the Matt idol while that of his servants is to take care of the idol and the other properties of the Matt and that they are both conjointly responsible for the conduct of the Matt affairs. It is also mentioned that in case any Matt property is lost the servant responsible for it will have to make good the value thereof. The dismissal of a Matt servant is justifiable only in case of misappropriation of the Matt property. It is remarked that the value of the lost property should be recovered from his heirs and the office given to them and if these fail to make

good the loss, all the other Matt servants are jointly responsible for the same.

Documents produced by the Defendants:-

Exh 1 Pramathi — A Gnyapakapatra addressed to the disciples of the Sri Uttaradi Matt by Shanbhogue Shamachar stating that a protest has been made by the public in the Mysore and other states regarding the non-observance of the immemorial usages and customs of the Matt by Sri Satya Parakrama Theertharu. The writer goes on to say that the Swami is unwell and intends giving Asrama and exhorts that the nomination so made by him should not be accepted pending the settlement of the present dispute.

Exh 3 Parthiva. — An Agnyapatra addressed by the Swamigalu to Ramakrishnayya Sheristedar, Namatheertha Totti, Mysore, Palace, stating that he has removed Shamachar from his office of Shanbhogui of Matt as he feared that the said individual would commit theft of the Matt valuables and even take away his life.

Exh 4 and 5 Bahudanya. — Agnapatras written by the Swamigalu to Rmagiri Shamachar and gowda Shanbhogues of Kootampakkam stating that -- Shanbhogue Shamachar of Narsipur, Sreenivasa Rao Lakshmikantachar and others have been removed from their offices as they are on inimical terms with the Matt.

Exh 6 to 23 — Accounts furnished by the Swamigalu to the various servants of the Matt.

Exh 26 to 30 — ----------Do----------

Exh 31 6th July 1887. An authenticated copy of a petition presented to the Collector of the Dharwar District by Shanbhogue Shamachar. The petitioner states that he is given to understand that one Sri Satya Dheeraru who calls himself the Swami of the Sri Uttaradi Matt was not given Asrama by his predecessor, neither was he nominated with the consent of the Matt servants and disciples as ~~registered~~ required by the immemorial custom of the Matt and that he has petitioned for the registry of the patta of the Matt lands in his name. The petitioner prays that pending enquiries into the validity of the successor no such transfer may be allowed to be made.

Exh 32 December 1887. The same individual intimates to the Taluk Cutcherry at Mundange Petah that he withdraws his petition referred to above.

Exh 38 Parthiva. Yadi from Sri Satya Veera Theertharu to the Tk authorities of Aval, Raichur District stating that Narsipur Shamachar and Kinhal Lakshmikantachar have been removed from their offices as they were accomplices in the theft of the Matt valuables.

There is also an order of the 2nd General Assistant Commissioner and 1st class Magistrate, Mysore District, Mr. C. Sreenivasiengar in a criminal case in which Subbannachar, Shamachar, Narasimhachar and Sreenivasachar were accused of theft of the Matt jewels &c. The Magistrate after enquiry finds that no offence is proved against them, and accordingly directs their

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The hereditary character of the posts held by the Matt servants is established beyond doubt. One of their chief duties is to watch its affairs and prevent extravagant waste on the part of the High Priest. The arrangement was such that the two sides were bound to come into collision on the occurrence of misunderstandings. The Swami of the Matt wished to shake himself clear of these inconvenient appendages and the theft of the Matt's jewels afforded him an opportunity to dismiss all the servants en bloc though he was not able to prove the case against them in a criminal

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This was about the year 1884. but the feeling of bitter hostility continues to this day though the present Swami is the third in succession - and the present claimants of the hereditary posts are the children or grand children of the dismissed servants.

The matt has I am sorry to say, shown no disposition to respect the decrees of the Highest Court in the State or to deal fairly with the claims of the unfortunate men who have been turned adrift for no fault of theirs and who have a definite place assigned to them

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in the Constitution of the Matt. vide the Nirup of Dewan Purnaiya dated 1801-2. The attitude taken by the Matt towards these men seems to be unfair & unreasonable. They have been kept out of Office & emoluments and have been reduced to absolute beggary and they are handicapped heavily in having to proceed at every step against a powerful & influential Matt with its vast monetary resources. Litigation in Civil Courts is a far poor man to wind. Under these circumstances

Note—Contn sheet

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I am of the humble opinion that the unfortunate Matt servants are entitled to our best consideration and that the Matts should not be allowed to interpose technical objections to an equitable settlement of their long standing grievance.

I would pay the decreed amount into the Court for distribution to the parties concerned the Government having undertaken the management of the Matts land is in the same position as the Sowcars - and is bound further to

(1)

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respect the decisions of its legally constituted Courts.

As regards the period subsequent to the decree I do not see any way to support the order of Government dated 9th March 1906. The parties must sue the matt & obtain decrees however much this maybe a hardship to them.

My humble opinion is that Government should bring moral pressure to bear on the Swami by declining to consider the question of the restoration of the matts lands until the matt effects a

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Secretariat.

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settlement with the servants, the dispute having assumed the proportions of a scandal.

I think the Mugrin Secretary has given weighty reasons why the management of Government should continue for some further time.

The Mugrin Secretary's able & lucid memorandum goes very fully into the facts of the case which it is therefore unnecessary to repeat here.

R.W. Hattannaghett
2d Councillor

17/8/07

Note—Contn. sheet

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5968 Subd to the Dewan
17.8.07

17/8/07

On the 18th Sept 1907, the Dewan had a talk with the 2nd Councillor in Connection with this case and desired that such of the hereditary servants as were present in Bangalore might be asked to consider and suggest reasonable terms for a compromise—

Subbun Hed

Sethumadhava Char hereditary Shambhogue of the Sri Uttaradi Matt appeared before the 2nd Councillor today and promised to submit a written application to the effect that he and the other servants would agree to receive any amount that the Govt would decide as reasonable with reference to the Decrees &c which have been passed in their favour. He desired that the Sri Swamigalu should be advised to allow the servants to work in the Matt after a certain period which may be fixed by Govt. As the other servants were all living in different places, he asked that time may

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begiven till the end of October 1907 to enable him to produce ~~the~~ a written application with the signature of all the servants. Time was according to given.

by 19.9.1907
no 207

The party has not come with any application although a fortnight has elapsed beyond the time allowed by the 2nd Councillor.

The case has now, I think, to be disposed of with the materials on hand.

The File is before the Dewan

Ulaantalam R
14/11/07

Subd to the 2d Cr

Sethu Madhavachar has not turned up. Case may now be disposed of, I think

Subd to the Dewan

Rd.
15/11/07

Dewan's order

This may be brought up in person of the Mysore Secretary, Bangalore at an early date the papers re complaints against the grant of honours to the Mysore Mutt may also be brought up

B.O.
22/11/07

Received 23/11/07

The papers were again seen by the Dewan on the 3rd January 1908, when Jayaramachar, Agent of the Matt, was present. The Agent promised to bring further representations of the Matt regarding the restoration of the [illegible] to the Matt &c.

Note. 7/8/08

On the 3rd January 1908, Mundragi Jayaramachar, Agent of the Sri Uttaradi Matt waited upon the Dewan and spoke about the Matt's case now pending before the Govt. I was also present on the occasion. In the course of the conversation, the desirability of the Matt making a handsome monthly contribution towards the maintenance of the Sanskrit University proposed to be established in Bangalore was mooted, and the -- Agent promised to obtain the orders of the Swamigalu of the Matt on the subject and to bring a written communication in that behalf.

As regards the question of restoring to the Matt the management of the villages and lands now managed by the Govt, the Agent promised a further representation from the Swamigalu agreeing to leave such management in the hands of the Govt at least for some years to come with the view of having the various branch Matts duly repaired and restored and generally improving the Matt's condition. The Agent went away promising to

bring further communications on these points within a month, but owing to his subsequent illness, his return was put off from time to time. He has now returned and brought with him Vedamurti Setu Rama Char, son of the former Swami of the Matt. The last named gentleman, who is a leanned pandit, was, during his father's lifetime, and is also now under the regime of the present Swamigalu, the chief Manager of all the Matt's affairs, and any views that may be expressed by him may be taken to be the views of the Swamigalu of the Matt. This gentleman also saw the Dewan and also spoke to me regarding the Matt's affairs on Monday and Thursday, last, the 3rd and 6th Instant.

Regarding the contribution in aid of the Sanskrit University, he says that the Sri Uttaradi Matt considers it as one of its most important duties to improve Sanskrit education, that it is even now encouraging such education by holding Sabhas in various places from time to time and rewarding pandits of high proficiency and

that it has in contemplation the establishment of Patasalas wherever convenient. The Matt therefore will have no objection to contribute towards the Sanskrit University proposed, but as it would appear that the University is intended to be under the guidance of the Sri Sringeri Matt, and as it is proposed to be located in the Sringeri Matt building now under construction in Chamarajpet, Bangalore City, the Sri Uttaradi Matt cannot well take a secondary place to the Sri Sringeri Matt, as such a measure would be considered detrimental to the prestige of the Matt in the eyes of its disciples. He says further that the Matt will readily aid with its funds the growth of Sanskrit education, provided it has the management of the institution in its own hands without interference by any other Matt. He suggests that the Patasala now maintained at the cost of the Matt at Hole-Narsipur may be advantageously removed to Bangalore, Mysore or Seringapatam and further improved and developed, so that further new expenditure from the Matt may be avoided. Even supposing it is considered

neces ary that the Matt should contribute towards the proposed Sanskrit University, the Achar says that it would be impossible to promise any monthly or annual payment, as that would mean a permanent sequestration of the Matt's income, but that if it is considered necessary, a lump sum amount may be taken by Govt once for all for the purpose out of the savings of the Matt now in the hands of the Govt. On the whole, the Achar's views show that there is a disinclination to contribute any amount if the Sri Sringeri Matt is to have the management of the institution.

As regards the restoration to the Matt of the management of the Matt lands and villages, the Achar requests the transfer of the management to the Matt, but upon my representing to him that it is to the best interests of the Matt to continue the management in the Govt's hands, he agrees with the modification that such management may be restricted to a term of years, say ten, and that a fixed portion of the income

may be annually paid by the Govt to the Matt towards the expenditure on the puja of Sri Rama Devaru in the Matt. This suggestion may be approved and it may be arranged that the management may continue in the hands of Govt for a period of ten years, and that a sum of Rs3,000/- may be paid every year to the Matt out of the income realised by Govt from the Matt lands.

As regards the dispute between the Matt and its hereditary servants, I spoke to the Achar about the desirability of a co promise. He readily agrees to a compromise being effected, but he insists that the conditions put forward by the lawyers on behalf of the Matt, viz., that the said servants should not be given any duties near the person of the Swamigalu or within the precincts of the Matt and that the remuneration of the servants by percentages on the Matt's income should not be claimed,- should not be complied with. He adds that the servants should give up their hereditary claims, in which case, work may be found for them in the villages belonging to the Matt in Mysore Territory

and in British India. One of the hereditary servants, viz., Setu Madhawachar, (Shanbogue who happens to be now in Bangalore) has also seen me and has represented the impoverished condition to which he and the other servants have been reduced and prays that some amicable settlement may be arranged, but he begs that their hereditary hak should be confirmed. Under these circumstances, there is no possibility of an amicable settlement. The parties have to be left to settle their differences in a Court of Law, as already suggested in my former note dated 16th August 1907.

Submitted to the Dewan.

7th August 1908.

Note by the Under Secretary:—

I beg permission to urge for the consideration of Government, with great diffidence, a few points in connection with this case. To satisfactorily settle the question it appears necessary to consider first the causes for, and the effects of, the resumption of the land and cash loans.

2 The cash grant was resumed in 1894; and the landed properties 10 years later in 1904. In both cases it should be noted the word "resumed" is not used. As regards the cash grant the order* is the entire monthly

Rip A,

allowance of Rs 526 payable to the Math should be held in deposit and should neither be paid to the Math nor remitted to the Civil Court which has issued the order of attachment, pending further orders of Government"

With respect to the land endowments, the order of 1904 is that they "be at once attached temporarily and kept under the management of Government in the Madras Department until further orders". Whatever the language used, the idea clearly appears to be the temporary resumption of the grants.

3. The causes for the resumption of the cash grant

have not been specified in the order of 1894 but may be inferred from the previous correspondence. The Matt servants in execution of their decrees against the Matt got the Civil Court to attach the cash grant. Government said that the "allowance was a Deva daya grant intended solely for the maintenance of certain specified charities and was not therefore liable to attachment in execution of the Civil Court decrees." The position taken up by Government is unassailable. Seeing that the Matt had placed itself in such a position as to cause the attachment of this grant by a Civil Court Government resumed the grant.

4. Then, the Decree holders

for the attachment of the produce of the Inam lands The Agent of the Math opposed this application and referring to the Government order about the cash grant pleaded that the produce of the inam lands also was not liable to be attached. The Subordinate Judge of Mysore overruled this objection and held that the produce was liable to be attached. The matter went in appeal to the Chief Court who upheld the Sub Judge's decision. D,

5 A similar application for attachment had been allowed by the Munsiff of Hole-Narasipur and on appeal, the District Judge of Hassan confirmed this decision relying on the Chief Court order E,

to above. By this

means the decree holders realized some money.

6 Had these facts been brought to the notice of Government at the time, I dare say that like the cash grant the land endowments also would have been attached. This view is supported by the following extracts from the Judgment of the Munsiff and from the letter of the Government Advocate.

E1. Munsiff's Judgment. Whatever may be the aspect of the case as regards the lands themselves that form ~~from~~ the grant, it seems that the produce of those lands must in justice and equity be available for the satisfaction of claims like the present ones. It may be that owing to mismanagement on the part of the manager or managers of the Math for the time being, the o

the grant is not property

In that case the Crown, it seems, is welcome to withdraw the grant".

Govt. Advocate's letter

3. If the parties do not come to any settlement and the decrees are to be executed by the attachment of the produce of the Devadaya Inam granted to the Matt by Government, in pursuance of the orders passed by the Civil Courts in the execution of the decrees, this amounts to a misapplication of the funds for purposes other than those authorized by the conditions of the grant" F2

"4. These Inams and money grants were, I believe, made for the purposes of the "Paditara Deeparadhane" of Sri Rama Devaru in the Matt. The payment of wages to the servants who assist at the Seva or Puje is no doubt

gitimate charge to be incurred.

But when, as in the present instance, owing to the disputes between the swamy and the alleged hereditary servants, the income of the endowment or a portion of it goes to the latter though they render no service, there can be no doubt that to this extent, the endowed property is diverted for purposes other than those named in the Inam Sannad. In these circumstances the Government will be justified in resuming the grants."

7. The chief cause for resuming later on the land endowments appears to be ~~is no doubt~~ the non-recognition of the present Swami.* Other causes ~~however~~ are also referred to in para 5 of the order of 9th November 1904 in these terms.

"The Swamigalavaru has moreover shown ~~the~~ utter disregard of a judgment passed by the Chief Court of Mysore

[illegible] Note V [illegible] to take effect only when the Swami [illegible] is not recognised happen actually to [illegible]

years ago, directing the payment by the Matt of the allowances and perquisites due to certain hereditary Shanbhogues of the Matt, and has left the decree holders without redress except through the intervention of the Courts. The affairs of the Matt too have been allowed to fall into great disorder, many of the valuable lands endowed to the Matt having either been gifted away or otherwise alienated in contra--vention of the objects of the grant, to relations and de--pendants, and the Matt buildings in various places in Mysore territory having been allowed to fall into a state of utter disrepair."

8. I shall now deal with the effects of the resumption. The effect in my humble opinion

the endowments ceasto.

absolutely in Government for benefit of the institution, that no body can claim as a matter of right the income in the hands of Government after the resumption and that Govt are not bound by any alienations &c made by the previous managers and are not bound to consult them in managing the institution during the period of resumpt. In this view, no Civil Court can attach the money in the hands of the Government and the Mutt cannot as a matter of right claim any portion of it. It is discretionary with Government to allow such claims if satisfied that they are reasonable and can be admitted

9. I shall now proceed to the order of 9th March 1906. That order refers to the four matters noted below

(1) The recognition of

Swamy's succession.

(2) The payment to the servants, of the decretal amounts.

(3) The payment to the same of the pay for the period subse--quent to the decree

(4) The restoration of the landed properties and cash Jasock to the Math.

The recognition of the present Swamy's succession was necessary and there is nothing to be said about that portion of the order. The other portions of the order may also be left undisturbed if the views expressed in the previous para# are accepted and if it is said that Government having once exercised its discretion it is not advisable to re-open the matter.

10. If it may be questioned whether the discretion vested in Government has been exercised then the

arguments adduced by the Math and its opponents as detailed in paras 11 to 23 of Mr L Anantasami Rao's Memo have to be considered. The Math it must be noted, applies for a revision of only such portions of the order as are unfavour-able to it These are (a) the payments of the decretal amount to the servants and (b) the payment of their salary for the period intervening ~~between~~ between the date of the decree and the date of the order

11. The latter subject is easily disposed of Mr L. Anantasami Rao, the Govern-ment Advocate and the Second Councillor are all of opinion that this portion of the order of 9th March 1906 cannot be supported.

G 1.

12 As regards the former the opinions are extracted

Strictly and technically speaking however, the arguments adduced by the Vakil have much weight, and it does not seem possible for the executive of the Government in the Muzrai Department to give practical effect to the order so far as it relates to the payment of decreed amounts to the hereditary servants The actual calculation of the amounts due under the decrees, their distribution among the surviving members of the decree holders' families and the various legal questions that may arise are all matters that cannot be dealt with except by a Court of law, and it seems therefore necessary that that portion of the order which directs actual payment by the

should be

Para 38 of Mr L Anantasamy Ra memo - Page 37.

cancelled. The order passed as to payment of the amounts due for the periods subsequent to those mentioned in the decrees is also not sustain-able and has to be rescinded The result will therefore be that the decree holders will have to go to Court for execution of their decrees, and for the periods subsequent to the decrees they have to file fresh suits. This arrangement will be in accordance with what the law directs and there can be no objection to modify the order of Government in this manner."

Advocate's opinion.

"Out of the amounts in the hands of Government a portion sufficient to satisfy the decrees in execution of which attach-ments have been issued cannot be paid to the Swamigalu until the attachment has been withdrawn by the Court

I would pay the decreed into the Court for distribution to the parties concerned".

Second Councillor's opinion.

It will be seen that the idea is to make money available for distribution by the Civil Courts by means of attaching the money now in the hands of Government for satisfaction of the decrees obtained by the servants against the Math. This is a claim which can well be admitted but unfortunately none of the servants has taken out any attachment order as the appended statement will show.

13. Three creditors of the Math servants have taken out orders for the attachment of the money due to such servants in accordance with the order now under review. The Shanbhogues have taken out (1) an attachment order in execution of an which has since

been set aside and (2) another order of ~~the~~ attachment before judgment of the entire sum in the hands of Government on behalf of the Math.

14. The distribution of money by the Mewrai Department being impracticable as shown in para 38 of Mr Anantasami Rao's Memo (if this were easy the money would have been distributed at once before the passing away in June 1906 of the old Swami who was very anxious for a settlement ~~in June 1906~~ and there would have been no occasion for a review application some ten months after the date of the original order) and the servants not having taken out any orders of attachment which the Government can accept, it is not possible to give effect to the equitable decision of Government, ~~and~~ therefore ~~so that~~ portion of the order of 9th March 1906

refers to the payment
the decretal amount has
also to be modified. 15. The only
matter remaining to be con-
sidered is whether the last
portion of this order in regard
to the restoration of the landed
property and cash Jasdik
is to be allowed or not. In
this connection it is necessary
to consider whether or not that
order is a compromise. It
is argued on behalf of the
Matt that it is not a compromise.
Mr. Anantasami Rao in para
36 of ~~this~~ his Memo says the same
though a perusal of para 35
would lead one to think that
the order was a compromise.
The Government Advocate's opinion
in this connection is noted
below:-

" While retaining all the
advantages which the Swamigalu
derived under the said Proceedings,
it is now sought to undo the
same in the only respects in
the Swamigalu had to

yield. Though the Government order refers to the compromise in a manner, yet it unfortunately reads as if it were a decision of the Government. It is a question whether the Government will permit the Swamigalu to get behind the compromise on the ground that Govindakar who represented the Matt at the time had not been empowered by the late Swamigalu to consent to such a compromise".

On the whole it would not be unfair to revise this portion of the order also. 16 How it is to be modified is naturally the next matter to be considered I have made it plain in paras 3, 4, 6 of this Note that the temporary attachment of the land and cash inams is justifiable for reasons other than the non recognition of the present Swamy's succession.

will still continue
the modification of the
order as desired by the Math
It therefore follows that the
temporary attachment should
continue so long as the causes
therefor subsist So the temporary
attachment has to continue
till the dispute between the
Math and the Servants
is settled to the Satisfaction
of Government I advisedly
say that the settlement should
be satisfactory to Government
because any compromise
which gives a high remuneration
to the servants without their
doing any useful work
will unnecessarily burden
the resources of the institution
(See para 6 supra). At the same
time it is not meant that
the parties should not come
to any settlement at all If
the remuneration to be paid
to the old servants and the
remuneration paid to the

servants newly employed do not on the whole exceed the amounts decreed there can be no good cause for Government to object.

17 On the grounds of expediency also it is desirable that the attachment should continue. The Math has already asked for the restoration of the land and cash inams and they may ask again. If the Government are to manage the lands by sufferance they only become the Agents of the Math and would be bound to respect any Civil Court attachment like the one for Rs 45000/- now received from the District Judge of Mysore. The consequence will be that while Government will have to take every trouble for the recovery of the Kandaygai &c of the Math lands it will

be in a position to speak
single pie on repairs very
"bly" needed or for any
other useful purpose.

[illegible]

[illegible]

...m what Court	Plaintiff
...dge's Court Mysore	Sri Swetav Bank thro its liquidator Venkatkrishnasastri
— Do —	Do —
Sub Judge's Court Bangalore	Palghat Hanumanta Rao
District Judge, Bangalore	Subbannachar Srinivasamurtiachar Setumadhavachar Shamachar
District Judge's Court Mysore	Subbanachar + others

G.
15.11.1918

	fendant	Amount of attachment	Latest date of execution of decree	Remarks
	...hnamurti	587-13-7	535 of 07-08	O.S. No. 479 of 1898-99, Munsiff's Court Mepore
	...ar and ...thers			
	Do	632-1-1	534 of 07-08	O.S. No. 482 of 1900-1 Munsiff's court Mepore
	...vasamurti ...char son ...ubhoque ...anna Char	287-0-10	240 of 06-07	O.S. No. 738 of 1904-5
	...wami.			
	...avarn ...te Sri ...radi ...att	17,911-6-0	11 of 06-07	O.S. No. 1 of 1904-5 of Dt. Judge's Court
	...o—	45000-0-0	Mis appln No. 11 of 1908-9	O.S. No. 1 of 1904-5

G. R. S. 12]
General and Revenue
Secretariat.

File No. of 190

Serial No.

No 18[illegible], [illegible] 1908

Forwarded unofficially to the Govt Advocate. A perusal of my memo is invited. It will be seen that none of the Matt Servants has applied for the execution of decrees against the Matt. The creditors of the Matt Servants have applied for the attachment of the money due to these Servants under the Gut order of March 1906.

~~It seems to be the view~~ The Dewan wants to know if without any execution proceedings the money may be paid into the Civil Courts

It is likely that when the case goes to the Court the Matt will take objections to the execution of the decree. But we should pay the money ~~that~~ and that the Matt should object would not be fair.

The matter has to be disposed of tomorrow afternoon when the Dewan attends office.

[illegible]

[illegible]
Under Secretary
Mysore Branch

No 27.

My answer to the above query is as follows:—

NOTE—Contn. sheet.

GPB—50 000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

Notices of attachment issued from Civil Courts requesting the wetholding of any amount payable to the Mutt. should be complied with. The law regards the payment of the amounts named in such notices, into court, as payments to the Judgment debtor himself (Vide Sec 268 Civil Pro Code)

In the absence of an attachment notice, a debtor has no right to pay any amount due by him, in satisfaction of any decree passed against his creditor at the instance of a third party. Such voluntary payment will not discharge the debtor from his liability to his creditor.

19. 1. 09. S. Narayana Rao
Govt advocate.

Rest & submit
W. 20/1/09

Dwpt in accordance with His Highness' order submitted to Dewan through Second Councillor.

Rs 15,000 have been separately paid and acknowledgment obtained.

22/1/1909 [illegible]

NOTE—Contn. sheet.

GPB—50.000—18-5-08

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

The draft is in accordance with the ~~orders~~ Dewan's note & the order of H.H. the Maharaja thereon, as far as I can make out.

If the early issue of this order is necessary, please submit the draft to Dewan for approval & then issue.

As I am altogether new to this ~~[illegible]~~ matter, I cannot critically examine the statements in the order, until I ~~[illegible]~~ peruse all the papers in the file. There was recently a question about a reply being sent to the Civil Courts demanding that the money attached should be sent over. That file also will be required for reference. The papers may again come to me after the issue of the order.

3823/61.10 4/1/10 62 [signature]

Draft submitted to Dewan
[signature]

Subtd
[signature] 12/1/10

5/1/1910 [illegible]

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.

Photo-fair do not
13/1/1910

NOTE.—Contn. sheet.

BPG—55,000—27-4-09

Submitted to His Highness.

In accordance with His Highness' order dated 7th March 1906 on the recommendations of the then Dewan regarding the several pending questions connected with the Sri Uttaradi Matt, Government Proceedings dated 5th March 1906 were issued (1) recognizing the succession of the present Swami, (2) directing the payment of the decreed amounts to the several servants who had obtained decrees against the Matt, (3) directing payment to the same of the pay for the period subsequent to the decree, and (4) sanctioning the restoration of the landed properties and cash Tasdik to the Matt.

For reasons explained in detail in the late Huzrai Secretary's note dated 16th August 1907, para 37, it was not possible to disburse the decreed amounts as directed in the order referred to. In the meantime the senior Swami died and a review petition was presented on behalf of the present Swami in December 1906, praying for a reconsideration of the order of March 1906 so far as it related to the payment of the decreed amounts and of the pay for the period subsequent to the decree.

The review application was heard by me on the 31st May 1907 when Mr. C.R. Tiruvengadachariar, High Court Vakil, represented the Matt, the counter-petitioners, the Matt servants, appearing in person.

As regards the points sought to be reviewed, after a careful consideration of all the facts and of the opinion expressed by the Government Advocate

the late Luzrai Secretary and the second Councillor, I must say that the Matt has a strong case and that the order of March 1906 should be modified and that the Matt servants should be directed to seek their remedy in the Civil Court, both for the amounts decreed and for the remuneration due for the subsequent period.

The only other point for consideration in this connection is the restoration of the land and cash inams to the Matt. As regards this matter the officers consulted are of opinion that they should not be restored. I agree with them. It will be seen that the restoration was originally ordered because all the disputes in connection with this Matt were settled in that order; but, as that order requires modification as explained above and as the disputes will still continue, it is nothing but fair that the portion of the order directing the restoration of the cash and land inams to the Matt should also be modified. It is therefore necessary that the temporary attachment ordered in 1904 should continue for some time.

The Agent has also asked for Rs. 15,000 to meet the expenses of the Swami's tour in Udapi. I do not see any objection to this being sanctioned as this expense is fairly chargeable to the income of the Matt.

The payment of the advance and the other recommendations made above may be sanctioned.

28/1/1909

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

89/04
G.O.

Proposed modification of the order of Government dated 9th March 1906 in regard to several matters connected with the Sri Utteradi Matt and the grant of an advance of Rs.15,000 to meet the Swamy's tour expenses.

Order.

PŪRNAPRĀSĀDA,

BANGALORE

Dear Mr Campbell.

Yours sincerely
[illegible]

Fern Hill, Ootacamund,

10th May 1909.

Dear Mr. Rao.

His Highness the Maharaja desires me to send you the accompanying file on the subject of certain disputes in the Sri Uttaradi Math. No orders have been passed on it because Sir P.N.Krishna Murti had been requested to try and effect a settlement. No reply had been received from that gentleman up to the time of Mr. Naconochie's departure, but I have now received a letter from Sir Krishna Murti, which I enclose, and from which you will see that he is not in a fit state of health to take a active part in arranging a compromise. His Highness will be glad if you will go through the papers and try to induce Mr. Krishnaswami Rao C.I.E., to interest himself in the matter and settle the dispute amicably. Sir P.N.Krishna Murti may also be consulted by you if his health permits time to do business.

Fern Hill, Ootacamund,

10th May 1909.

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Krishnaswami Rao C.I.E., to interest himself in the matter and
settle the dispute amicably. Sir P.N. Krishna Murti may also be
consulted by you if his health permits time to do business.

Submitted to His Highness.

With reference to Mr. Campbell's D.O. letter No.148 dated 11th May 1909 forwarding the files connected with the pending questions relating to the Uttaradi Matt, I beg to state that there is no chance of an amicable settlement being effected on the lines of the orders passed in March 1906, not only because the two parties are irreconcilable, but also because the basis of settlement therein suggested is impracticable. For, even if separate employment were found for the hereditary Shanbogues in Mysore, as required by para 13 of the aforesaid order, there would still arise the present question in connection with their dismissal from such separate offices, if the Shanbogues misbehaved in such offices.

2. It is true that the Civil Courts have decided against the Matt, but the decision is palpably inequitable. It is impossible to regulate or restrain the disciplinary functions of the Matt authorities towards its servants. In the present case, the Matt authorities have done only what Government often does

in the case of heinous offences on the part of its own hereditary servants, such as Patels and Shanbogues, as also temple servants. If a Patel or Shanbogue embezzles Government money or commits serious defalcation, he will not only become amenable to the Criminal law, but the Revenue Department will dismiss him with forfeiture of his Inam and privileges which thereupon pass away from his family altogether for all time. In the case of temple servants, if any temple property is lost, all the temple servants are under a well-recognised rule, made liable to make good the loss. The decision of the Civil Courts seems to have been based upon a misapprehension in this respect, for, we find the Subordinate Judge Mr. Ramaswami Iyer remarking in the following terms in his judgment in Original Suit No.50 of 1891 on the file of his Court:-

D2
(Linked file No IV)

> "In the case of hereditary offices under "Government, if the holder of the office is found "guilty of any heinous offence against the Gov- "ernment, such as embezzlement, murder or the "like, the office is generally conferred on one "or more of his descendants if in the opinion of "the Government they are competent to discharge "its duties."

3. As opined by the Government Advocate and

the late Muzrai Secretary, Mr. Anantasami Rao, and the present Muzrai Under-Secretary Mr. Subramanya Iyer, in the papers noted in the margin, the Civil Court decrees which the Matt servants have obtained cannot be executed against the Matt funds now in the hands of Government. Moreover, M.R.Ry. Setu Ramachar on behalf of the Matt informed me personally at Mysore on the 29th June 1909 that the Matt had instituted proceedings in the Mysore Civil Courts to set aside the decrees on the ground that they had been based upon fraudulent documents. A copy of the plaint has been obtained and is now filed in the record. In this suit, the Matt has sought for a declaration to the effect that the decree passed in Original Suit No.54 of 1891 on the file of the Sub-Judge at Mysore, is fraudulent and not binding upon the Plaintiff (Swamigalu) or his Matt.

Letter from Government Advocate dated 30th August 1908.

Mr. Anantasami Rao's note dated 16th August 1907.

Mr. Subramanya Iyer's note dated 15th November 1908.

H_2

4. Even if it were otherwise, and if it be that the Matt is bound to pay such large sums to the decree holders, though they rendered no service, it will be such a diversion of the endowments as by itself

itself may fairly be considered as sufficient justification for attaching the endowments and keeping them under the management of Government, as they now are kept.

5. Under such circumstances and in view of the litigation now in progress, I am of opinion that the orders contained in the proceedings of 9th March 1906 in so far as they relate to the payment of the decreed amounts and the restoration of the Matt properties and cash tasdik, may, as recommended by Mr. Madhava Rao, be set aside. I generally agree with the views set forth in Mr. Madhava Rao's note dated 22nd January 1909.

6. In view however of the urgent demands on the Matt in connection with the Swamigalu's recent visit to Udupi, the sum of Rs.15,000 asked for by the Matt may, as recommended by Mr. Madhava Rao, be paid as this is fairly chargeable to the income of the Matt, lest the Swamigalu should run into debts on that account.

Linked File III/ 2'

P. Anandatha
Prepay

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P. Anantakrishna
Asst. Secy.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

7.9.09
462

Resubmitting with further note the files connected with the pending questions relating to the Sri UttaradiMatt.

Order.

261
519
9.10.09

I agree with the Dewan

~~KRW~~
8/10/09

Secy
Please order the amount of Rs 15000 asked for to be paid to the Swamy Jahn
[illegible] 8 Oct 09

Br VII
Draft to be submitted [illegible] before issue.
[illegible] 11 Oct 09

[illegible]
11/10/9

READ—

(1) Government Proceedings No. 1621-34, dated the 9th November 1904, declining to recognise the succession of Vedamurti Jayachar as Swami of the Sri Uttaradi Matt at Hole-Narsipur, and directing the temporary attachment of the Inam lands endowed to the Matt.

(2) Communication dated the 23rd February 1905, received from the Honorary Secretary to the Sriman Madhwa Siddhantonnahini Sabha.

(3) Petition Registered No. 2476, dated the 31st December 1905, from Shanbhog Srinivasa Murtiachar and other decree-holders, praying for a settlement of their claims.

No. 3779-92½—MUZ. F. 3-1902, DATED BANGALORE, 9TH MARCH 1906.

ORDER THEREON.—In the Proceedings of the Government read above, His Highness' Government refused to recognize the succession of Vedamurti Jayachar as Swami of the Sri Uttaradi Matt of Hole-Narsipur, without further explanation, mainly on two grounds,—*viz.*, (i) that the approval of His Highness the Maharaja, as required by the orders contained in Government Proceedings No. 233-42—M. F. 102-92, dated the 14th December 1892, was not obtained beforehand; and (ii) that the extent of the nominee's learning was unknown.

2. On behalf of the old Swamigalavaru, Govindachar, the brother of the newly nominated Guru, explains that the previous permission of the Government to the nomination of the successor could not be obtained in view of the old Swamigalu's sudden and serious illness which precipitated matters considerably. As regards the extent of the nominee's learning, he represents that the new Guru is well educated, continues his studies in the higher branches of Hindu religion and philosophy and possesses all the qualifications as to piety and austerity that are required in the High Priest of this important Matt.

3. The Secretary to the Madhwa Siddhantonnahini Sabha forwards with his communication dated the 23rd February 1905, a copy of the proceedings of the General Committee of the Sriman Madhwa Siddhantonnahini Sabha held at Padma Sarovaram on the 5th and 6th days of Margasira Bahula in the year Krodhi, corresponding to the 27th and 28th December 1904, in para 6 of which reference is made to the new Guru in very high terms. The opening and maintenance of religious schools and the founding of Sabhas for rewarding and promoting religious learning at the cost of the Matt are the more important of the acts of the Swami referred to by the Secretary to the Sabha. The representation of Govindachar regarding the qualifications of the present Guru is thus corroborated by such a representative and authoritative body of disciples as the Madhwa Siddhantonnahini Sabha.

4. In these circumstances, the Government of His Highness the Maharaja are pleased to accept the further explanation offered regarding the succession in question and to recognize the nomination of Vedamurti Jayachar, the newly ordained Swami, under the name "Sri Satya Gnana Theertha Sripadangalavaru" which he has assumed, as the future Swamigalu or High Priest of the Sri Uttaradi Matt in succession to the old Guru "Sri Satya Dheera Theertha Sripadangalavaru."

5. The Secretary to the Madhwa Siddhantonnahini Sabha raises the further question of the inexpediency of the orders of this Government, which require that their previous sanction to a proposed succession to the Matt should be obtained, and Govindachar also brings to notice the inconvenience resulting therefrom. The Government of His Highness realize that, in a case of sudden and serious illness of the presiding Guru for the time being, it may prove impracticable to apply for and secure the sanction of His Highness the Maharaja to a proposed succession. Rule III of the Rules of 1892 makes suitable provision to meet even such a contingency. In other cases, there can be no difficulty whatever in conforming to the orders in force, which the Government of His Highness the Maharaja see no reason to revise in any respect.

6. As regards the decrees, for whose execution the decree-holders apply in their petition read above, the position is entirely unsatisfactory. A disposition on the part of the Matt to give full effect to the decrees is lacking; while the decree-holders are unable to execute the decrees in foreign countries. The Matt endowments being in the direct management of the Government, the consideration of the question of how best to satisfy the decretal claims can no longer be deferred so far as Mysore is concerned.

7. The Matt, through Agent Govindachar, expresses its eagerness to have the question finally settled; while the decree-holders are no less anxious in the matter. The Matt has no objection to any settlement that the Government may decide upon as regards the amounts of money payable to the decree-holders; but the old Swamigalu is, not without some reason, averse to admit the present men into the Matt for discharging duties of a personal character.

8. The hereditary servants of the Matt are of two classes as regards their emoluments, *viz.*, (1) those entitled to two and a half per cent on the gross income of the Matt (statement A); (2) those entitled to lump-sum payment (statement B).

9. Concerning the first class of hereditary servants, it is obvious that this Government are in a position to give effect to the decree only in so far as the gross income of the Matt in Mysore is concerned. The Government have no means of knowing correctly the income yielded by the properties of the Matt situated outside Mysore, nor have they any concern with them. The Government of His Highness are accordingly pleased to authorize the payment of emoluments to the servants of this class at two and a half per cent on the gross revenue derived by the Matt in Mysore, minus the amount of Jodi payable to the Government and the cost of management.

10. Statement B shows the claimants coming under the second class. Their lump-sum emoluments having been fixed with reference to the finances of the Matt, as a whole, they are, strictly speaking, entitled to receive from Mysore, only sums proportionate to the revenues derived from the endowments in Mysore. But in view of the difficulty of striking a proportion between the Matt's total income, which is not readily and correctly ascertainable, and that in Mysore, and of the comparatively small lump-sum amounts aggregating Rs. 442 a year, the Government of His Highness are pleased to authorize the payments of the entire sums out of the revenues of the Matt in Mysore.

11. The decree-holders will be asked to submit a list of their claims together with authenticated copies of the decrees under which they claim, to the Secretary to Government, Muzrai Department, who will, after enquiry as to any recoveries that might have been already made by the parties, direct payment of their dues to them to the extent authorized by these orders. The claims of the servants in question for the periods subsequent to the dates of the decrees held by them will also be dealt with in the same manner.

12. As the above decision will satisfy the claims of the decree-holders only in part, the Swamigalu of the Sri Uttaradi Matt will be advised to pay the balance due to them, without loss of time, from the Matt's other resources.

13. Referring to Agent Govindachar's representation that the Senior Swamigalu of the Matt is averse to employ the hereditary servants in question within the precincts of the Matt, and that they may be employed elsewhere and given a definite sum as their pay in future instead of the percentage emoluments hitherto drawn by them, Government have to remark that they cannot modify the decrees of the Courts in the manner suggested, as the restoration of the servants to their respective offices is an essential part of the decrees, and the fixing of a definite sum as pay will defeat the object of the original arrangement by which the servants in question were to form an integral part of the Matt and watch its interests. The Swamigalu will be advised in the sense of the above views, and requested to act in accordance therewith. In the meanwhile the servants will be employed in Mysore in the best manner possible, as desired by the Matt.

Muzrai, dated 9th March 1906.

14. The two important questions of succession and satisfaction of decrees against the Matt having been settled, the attachment of the Matt properties ordered in the Government Proceedings read above must be withdrawn. Agent Govindachar, however, states that under the old arrangements the Matt was deriving very little income from the lands endowed to the Matt in the Mysore State, and that as the Mysore Government have been making the collections strictly and making the proceeds available for the benefit of the Matt, the Swamigalu is agreeable to the lands in question continuing under the management of the Mysore Government. The lands and the cash Tasdik endowed to the Matt from this State will continue under Government management as heretofore, so long as the High Priest of the Matt desires such an arrangement to last. The Matt will of course be entitled to know how its affairs in Mysore are administered and to get any surplus that may remain after the charges of the Matt are met.

15. The Government are glad to note that the Swamigalu of the Uttaradi Matt has, during the past few years, been holding Sabhas in different places, and rewarding persons possessing high qualifications in the Sanskrit language and philosophy. This being a step in the right direction, the approbation of the Government will be communicated to the Swamigalu with their hope that the expenditure entailed thereby will be well kept within the bounds of the Matt's income.

L. ANANTASAMI RAO,
Secretary, Muzrai Department.

To—The Deputy Commissioners of Districts.
The Officer in charge of Palace Establishments.
The Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Department.
The Revenue Commissioner in Mysore.
The Comptroller to the Government of His Highness the Maharaja of Mysore.
The Superintendent of Inam Settlements.
The Survey and Settlement Commissioner.
The Registrar, Chief Court, for information and communication to the Courts concerned.
The Honorary Secretary to the Sriman Madhva Sidhantonnahini Sabha, under a covering letter.
The Swamigalu of the Sri Uttaradi Matt, under cover of a Vignapana Patrika.

A.

List shewing the names of decree-holders in connection with the several appointment in the Sri Uttaradi Matt at Hole-Narsipur.

Original No. of Suit	Appeal Suit No.	Designation of appointment	Names of plaintiffs	Claimants of deceased hakdars
48 / 1	82 / 94	Vaideeka Parpattegar, two and a half per cent of the total income.	1. Annajachar	
			2. Krishnamurtiachar	
			3. Srinivasamurtiachar	
			4. Ramachar (deceased)	His widow Seetha Boyee.
			5. Vasudevamurtiachar (deceased) ...	Son Appanna, minor guardian Krishnamurtiachar.
			6. Vedavyasachar	
			7. Bheemachar	
			8. Babannachar	
			9. Satya Vijayachar (deceased) ...	His Sons Shamannachar and Koneriachar.
50 / 91	83 / 94	Shanbhogs, two and a half per cent.	1. Shanbhog Venkannachar (deceased)	3rd and 4th plaintiffs are natural sons.
			2. Subbannachar	
			3. Srinivasamurtiachar	
			4. Setumachavachar	
			5. Shamachar	
			6. Adiviachar (deceased)	Undivided brother (plaintiff No. 5)
54 / 91	283 / 94	Lowkika Parapatya, two and a half per cent.	1. Sangli Subbannachar (deceased) ...	Widow Seetha Boyee was admitted as claimant in the Appeal Court.
			2. Sangli Narasimha Murtiachar ...	

B.

83 / 91	284 / 94	Chikka Ugrana, Rs. 50 annually	Ranganathachar	
84 / 91	289 / 94	Mudupu, Rs. 100 annually	Varada Srinivasachar (deceased) ...	Son Govindachar.
86 / 91	292 / 94	Joisaru, Rs. 30 per annum.	1. Vartur Krishnamachar (deceased) ...	His mother Venku Boyee.
			2. Vartur Ramachar (deceased) ...	His son Venkannachar.
87 / 91	285 / 94	Bhagavata Purana, Rs. 21 annually.	Sarapali Subbannachar	
88 / 91	287 / 94	Yedaseva, Rs. 67 annually.	1. Rajachar ...	
			2. Vishnupadachar	
89 / 91	288 / 94	Kharnis, Rs. 52 annually.	1. Vasudevachar (deceased)	Shamachar, minor, nephew 3rd plaintiff Anantachar
			2. Jagannathachar (deceased) ...	
			3. Anantachar	
90 / 91	291 / 94	Dodda Ugrana, Rs. 97 annually.	1. Veni Madhavachar	
			2. Subbannachar	
			3. Anantachar	
			4. Dhoomachar	
91 / 91	290 / 94	Devaramane, Rs. 25 annually	1. Shatsingiri Ramachar	
			2. Krishnachar	
			3 Srinivasachar	

1905-06

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 9th March 1906

No. 3779-92½
Muz. F. 3 of 1902

Recognising the succession of Vedamurti Jayachar as Swami of the Sri Uttaradi Matt at Hole-Narsipur and passing orders upon the claims of Shanbhog Srinivasa Murtiachar and other decree-holders against the Matt.

GPB—29-3-06—200

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G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19.5.08

313

మృగ్యాంతు శ్రీమన్మహారాజశ్రీ
రగవర్నమేంటు మహిమాలు ఇ
లాజీలుంద

శ్రీ పుత్తరాంది శ్రీమతదయిలిజెంటు రాజ్ఞ బలరా
మాంజాన్నిరిగా —

శ్రీమతదతి కరిదారాంశ శ్రీనివాసమా
ర్కోజాంకవస్త్రీరాంతిగా గవర్నమేంటు నింద
ప్రత్యయిరువ 1906 నేమార్చిమాడి 9 నే
మ 3779-92/2 నేనంశరు ఆర్డర్ ~~[illegible]~~
~~[illegible]~~
శ్రీమతదంద
మాలిలీ రేవ్యూ అర్జీకోళుడినువదాగి
యూ. అదువేవస్త్రీ బాంగువరిలుంక
నదరియవరిగేర్డాం కోతద్రేక్లా నబిల్రీం
కప్రగళిత్రీలీ స్టేక్కోంద కోపకోళుడిసిద
బిలిగ్రాం. గందుకలిపికు. అదరంకే ~~[illegible]~~
శ్రీమతదంద ~~[illegible]~~ అర్జీయాగరలిల్లా.

యింగలు శరువ 1907 నేజినవరి 25 కిరా
ర్ జినోంళగే ~~[illegible]~~ రేవ్యూ అర్జీబాంకది

మల్లాంతలతర్ అనుసరితీతికరి
దారిగేర్ఱాంపకిమాంతల్పతుక్తాదవివర
కిళుఱువదు
ఇతి కైమాంటితిసంవత్ 1906 మేశ్రాం

బోంగళుంటు
Draft

By order
4/12/06
Secretary to Govt
Mwsrai Deharti

4/12/06

Inform the petitioners
Srinivasa Murtzachar
and others accordingly

Ds

To,

The Government of

His Highness the Maharajah of

MYSORE.

The humble petition on behalf of Shree Satya Gnana Teertha Shripadangalavru of the UTTARADI MATH.

RESPECTFULLY SHOWETH:—

1. That the Petitioner Shri-Satya-Gnana Teertha Shri-Padangalavaru, the present Swami of the Uttaradi *Math*, succeeded to the headship of the said *Math* on the death in June last of Shri-Satya-Dheera-Teertha Swamî, who will be hereinafter referred to as the late Swami.

2. That though at the time when the present Swami, was nominated as his successor by the late Swami, the Government of Mysore, demurred to his nomination on the ground that the previous approval of His Highness the Maharajah was not obtained therefor, (Vide Proceedings of Government *Muzarai* dated 9-11-04, No. 1621-34) yet in their subsequent Proceedings dated 9th March 1906, No. 3779-92 *Muzarai*, they were pleased to recognise unreservedly the present Swami's right to succeed to the headship of the *Math* in virtue of his nomination by the late Swami as his successor and the present Swami gratefully and thankfully appreciates the consideration thus shown to him personally by the Government of His Highness. The petitioner, at the same time, wishes to make some representations to Government on behalf of his *Math* regarding the rules relating to *Maths* contained in the Proceedings of Government, *Muzarai*, dated 14th December 1892, but he reserves it for a separate communication which he will address to Government on a future occasion.

3. That by their Proceedings aforesaid of 9th March 1906, the Government were further pleased to intimate that they withdrew their attachment of the landed endowments of the *Math* in the Mysore Province which was made in or about November 1904 pursuant to the said Proceedings of 9th November 1904 and of the monthly cash allowance payable to the *Math* by the Government of Mysore, which also had been kept in deposit by Governmet, for nearly 12 years without being paid to the Head of the *Math* as theretofore; (Vide Proceedings of Govern-

ment, *Muzriz* dated 26th October 1894, quoted in their said proceedings of 9th November 1904) and that the Swami could at any time he chose, take over the management of the properties into his own hands. Government however, agreed to continue in management of the said properties so long and so long only as the late Swami desired the arrangement to last.

4. The late Swami as already stated departed this life on 9th June 1906, and on the present Swami as his successor and present Head of the Math has devolved the duty of administering the affairs of the *Math*, spiritual as well as temporal, including the management of the landed and other endowments in the Mysore Province for the purpose of administering the same in the best interests of the *Math*.

5. That while requesting the Government of His Highness, to hand over the endowed properties of the *Math* to himself as the present Head of the *Math* pursuant to their Proceedings of 9th March 1906, already referred to, the present Swami, Petitioner, feels bound at the same time to address the Government regarding the further orders passed by them and embodied in the same Proceedings of 9th March 1906 and to urge for the reasons stated below, among others, the reconsideration and recission of those further orders which, it may be stated, relate to the satisfaction of the claims of certain Decree-holders who as Office holders in the *Math*, had obtained decrees against the late Swami in suits instituted by them in 1891 for being placed in possession of their offices and for the recovery of the emoluments alleged to be due to them from the late Swami for the 2 years immediately prior to the date of the suits.

6. That in December 1905, the said Decree-holders appear to have presented a petition to Government, registered No. 2476 dated the 31st December 1905 the exact nature of which Petition, however, the present Swami is not aware of; but from the tenor of the order of Government, dealing with the said petition, he is led to infer that the said Decree-holders presumably petitioned Government to be restored to their offices in the *Math* and for a payment to them out of the income of the attached endowments of the *Math*, the balance of the amounts decreed to them against the late Swami which they claimed to be due to them as well as for the payment to them of the emoluments of their respective offices for the periods subsequent to the decrees.

7. That in connection with the aforesaid petition of the Decree-holders Government seem to have relied on the oral consent of the Late Swami's Agent Kinnal Govindachari given to the then Diwan, Sir P. N. KrishnaMurti and to the Secretary to Government, *Muzarai* department, for the extraordinary procedure adopted by the executive. Govindachari had no authority, express or implied, from the late Swami who was then alive, to agree to the summary

disposal of claims adjudicated upon by the Civil Courts of the state; further the order itself shows that Govindachari was, if at all, eager to have the matter settled finally if possible and not to any provisional arrangements, piece by piece, as the present order has resulted in. Nor could Govindachar's consent have covered the claim for emoluments of the periods subsequent to the decrees.

8. That with reference to the said petition of the Decree-holders and the representation of Govinda-Achari in that connection the Government in their Proceedings aforesaid of the 9th March 1906 ordered as follows viz:—

(1). That the Swami should be informed that his wishes, in regard to the employment and remuneration of the Decree-holders, could not be given effect to, as thereby the decrees would be contravened; that he should be requested to act in accordance with the views of Government as thus expressed and that in the mean time the said servants would be employed by Government in the best manner possible as desired by the *Math.*

(2). That as for the balance if any which may be due to the Decree-holders out of the specific sums decreed to them respectively under their derees, the Government was in a position to give effect to the said decrees only in respect of the revenues of the *Matha* from its properties in Mysore and to that extent only, viz, in the proportion of the revenues from the Mysore Properties to the whole income of the *Math* the Decree-holders who had obtained decrees for percentages would be paid out of the funds of the *Math* in the hands of the *Muzarai* Department and that the Swami would be advised to pay to them the balance which may be due to them under this head from the *Math's* other sources of revenue and that as regards the servants entitled only to fixed salaries, the full amounts due to them would be paid to them out of the said funds.

(3). "That the claim of the servants in question for the periods subsequent to the dates of decrees held by them will also be dealt in the same manner," viz as indicated in the immediately preceding sub-para.

9. That in passing their orders as above on the petition of the decree-holders the Government of His Highness appear to have considered that they could pass such orders by reason of the circumstance that the Government then were in possession of the funds of the *Math*, and in management of its properties in the Mysore Province.

10. That petitioner respectfully submits that in passing the said orders Government of His Highness in their executive capacity assumed jurisdiction to deal with matters which were strictly within the cognisance of the Civil Courts. By directing the restoration of the peitioners to the respective offices in accordance with the decrees held by them and (to give effect to such restoration so far as they, the Government, could) by ordering payments out of the funds of the *Math* in the hands of the *Muzarai* Department, of the percentages on the revenue of the Mysore properties to three of the Decree-holders and of the lump sum amounts to the rest, the Government have themselves directed the execution of the decree of Civil Courts; not-with-standing that the late Swami through his agent Govindachari demurred to their doing so.

11. Petitioner submits respectfully that the question of the enforcement of the decrees, which was apparently raised by the Decree-holders in their aforesaid petition to Government, was not a matter within the Province of the executive Government. The claim to be restored to and placed in possession of their respective offices in pursuance of the decrees was a relief which the Decree-holders could obtain only in execution of their decrees, and it could be taken cognisance of only by the Courts which passed the decrees. And the said Courts, if and when moved by the Decree-holders, could give them all the reliefs they may, in the circumstances of the case, be found entitled to after hearing the legal objections which in such an application the present Swami may be advised to urge, founded upon the laches and misconduct of the Decree-holders themselves subsequent to their decrees; to say nothing of the bar by Limitation and other defences which it would be open to him to take in opposing the execution of the decrees if so advised.

12. That the proceedings of Government with regard to the enforcement of the decrees are in direct conflict with the authoritative judicial interpretation of the same. The decree directs that the Decree-holders or one of them (which one is not defined) be restored to office; and that they or he do receive certain amounts claimed in the plaint. Mr. Miller, (now the Hon'ble Mr. Justice Miller of the High. Court of Madras) in his Capacity as district Judge of Salem, on the application of the Decree-holders for execution of their decrees against properties of the *Math* in the district of Salem, refused to issue any process until one of the Decree-holders is restored to office and such Decree-holder makes the application for execution of the decree. The order has not been appealed against. It is possible for one of the Decree-holders to question the validity of the payment made to all the Decree-holders, in the *Muzrai* department.

13. That petitioner craves leave to point out that the cash allowances payable from Government to the *Math* are not liable for attachment in execution of decrees of the Civil Court as Government themselves have been pleased to

direct in their General No 382, dated 25th October 1894, certified copy of which accompanies this application.

14. That the mere fact that the incomes of the endowments made by the Sovereigns of Mysore to the *Math*, are under the control of the *Muzrai* department, could not empower the exective to dispose of them in the manner they have done. The endowments are made to the *Math* for General purposes of the Institution. A special appropriation thereof, by making them available in favour of a few servants of the institution, is opposed to the original grant. Moreover, the proceedings seek to create a special lien on Mysore incomes, in favour of the Decree-holders with respect to their claim on the whole income of the *Math*, by far the largest portion of which, it must be remembered, comes from Provinces, not subject to the control or jurisdiction of the Mysore State. The Mysore Government have no means of ascertaining the incomes of the *Math* from endowments and other sources existing in other provinces. The settlement made in the proceedings must therefore be based, at least partly, on a guess.

15 That the further order of Government that the claim of the Decree-holders for the periods subsequent to their decrees is to be dealt with in the same manner viz. by payment to them of the sums which they would have derived if they had been restored to office, is, petitioner respectfully submits, open to still greater objections. In the first place this claim did not form a subject of discussion between Government and the late Swami's agent, though the Government apparently considered this part of their order as merely consequential on their order directing the restoration of the said petitioners to their offices. Further, this was a claim which the Civil Courts themselves could not deal with in execution of the decrees already passed by them, but only in separate suits, instituted for the purpose of recovering such emoluments. The petitioner is advised that he will have a valid defence to such suits by reason of the circumstance, among others, that admittedly the Decree-holders have rendered no service whatever during the sudsequent periods, for which also they claim emoluments, nor as far as the present Swami is aware of, was there even an offer to render services on the part of most if not all of them; and by reason also of their not having taken any steps to get themselves restored to their offices as it was competent to them to do by applying to the Court therefore, to say nothing of their right to claim such emolument being wholly or at least in greater part barred by the Law of Limitation. Questions also would arise as to whether and how far their own conduct would disentitle all or any of them to the emoluments of the office for the whole or any portion of such period; and whether their legal representatives or the deputies if any, are fit and proper persons to discharge the duties of their respective offices. Petitioner respectfully submits that without a consideration of these and other questions

likely to arise and which could be dealt with satisfactorily only by a Court it could not be assumed as the Government have done in their proceedings, aforesaid, that the Decree-holders or the legal representatives would as a matter of course be entitled to the emoluments of subsequent periods without any further investigation whatever.

16. That as pointed out above, the enforcement of the several claims advanced on behalf of the Decree-holders was not a matter in which the interference of the executive Government was warranted; nor could it be said that such interference was in any way required by reason of the claimants being without adequate remedy otherwise. It was quite open to them at all times to resort to the courts of justice to enforce the said claim against the *Math* and their not choosing to do so for reasons of their own, can-not, petitioner respectfully submits, place them in a more advantageous position than if they had resorted to the proper and, as petitioner submits, the only legal remedy open to them in respect of the enforcement of such claims.

17 That but for the accident of Government being at the time of their aforesaid proceedings in actual possession and management of the properties of the *Math* in the provience of Mysore, they would not either have dealt with or passed the orders in question on the claim of the Decree-holders but referred them to the Civil Courts. Petitioner respectfully submits that if the Government of His Highness would have no jurisdiction to deal with these disputed matters in their executive capacity, it would follow that they could not acquire such jurisdiction simply by the circumstance that they happened to be at that particular time in management of the properties of the *Math* in their executive capacity.

18. That for the reasons and in the circumstances set forth above, petitioner respectfully prays that the Government of His Highness the Maharaja will be graciously pleased:—

(1). To reconsider and rescind so much of their aforesaid proceedings, dated 9th March 1906, as relate to and deal with the claims of the Decree-holders for restoration to their respective offices and direct payment to them out of the funds of the *Math* in their hands in respect of the periods prior or subsequent to their decrees.

(2). To issue an order immediately to their officers directing them not to pay any sum to the Decree-holders in respect of periods prior or subsequent to their decrees, pending the disposal, by his Highness' Government, of the petition;

(3). To direct the properties, moveable and immoveable belonging to the *Math* with the accumulations thereof upto date to be handed over to such Agent as may be nominated by the petitioner therefor.

For which act of justice, the petitioner shall as in duty bound, ever pray.

5th December 906

ওঁ শ্রীমদ্ভগবদ্ব্রহ্মেন্দ্র
ত্রাণি বাহি সিদ্ধাপরামা
পার্থ পুং দরগী -

[illegible]

5-12-1906

[illegible]

[illegible]

[illegible]

5-12-06. [illegible]

[illegible]

Accepted

5/12/06 B. Subbarao

advocate

ఐదు రుపాయల న్యాయస్టాంపు

(ఆంధ్రప్రదేశ్ స్టాంపు)

(శ్రీ రాజమండ్రి నగరం) నెం: - 110

నెం 11
ఇ.వి.

(శ్రీ) లక్ష్మీనరసింహ స్వామి దేవస్థానం
భద్రాచలం సంస్థానపు కార్యనిర్వహణాధికారి

రాజమండ్రి.

గౌతమీ పుష్కరాలు సమీపించుచున్నవి - గోదావరి నదిలో స్నానమాచరించుటకు వచ్చిన భక్తులు తమ తమ పాపములు పోగొట్టుకొనుటకు - పుణ్యము - కలుగుటకు - ఇష్టార్థములు నెరవేరుటకు - మరియు - ఊరి ఆస్తిని ఉలాంబిడిపట్టి ఉలుగ (శ్రీ) పుష్కరాలు వస్తున్నవి కనుక సదరు సందర్భములో మాతృదేవతా రసూలు కేవలము పుణ్యం కొరకు తీర్థయాత్రకై వచ్చి తమ తమ పాపములు పోగొట్టుకొనుటకు గోదావరి నదిలో స్నానమాచరించి పుణ్యము సంపాదించుకొనుటకు తమ తమ ఇష్టార్థములు నెరవేరుటకు (శ్రీ) పుష్కరస్నానమాచరించి పుణ్యము సంపాదించుకొనుటకు వచ్చిన భక్తులు తమ తమ పాపములు పోగొట్టుకొనుటకు గోదావరి నదిలో స్నానమాచరించి పుణ్యము సంపాదించుకొనుటకు వచ్చిన భక్తుల

ಶುಭಂ

ಸ್ವಾಸ್ತಿಶ್ರೀಮನುಮಹಾಶ್ರೀ
ಸರ್ವಸ್ವಿಶ್ರೀರಾಜ ಆದಾಗಿ
ಆಲೂರುಸಬಾಮಾಲಿ
ದಿನ ೮-೧೦-೦೬ ಗುರುವಾರ
ಇವತ್ತಿನಲಾಗಾಯ್ತಿ ಶ್ರೀಮಂತ ಆದಾಗಿ
(ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪನವರು)

ಸ್ವಾಮಿಕಾರ್ಯಕ್ಕೆಂದು
ಗಾಳಿಪಟ
ಗಂಗಾಧರಪ್ಪ
ಅಂಗಡಿಯವರ ಕಾಯಿ ಮಾಂಡ
ಅಣ್ಣಿಗೇರಿ ಸಿದ್ದಾಪುರ

Presented at 8.30 A.M on the 19th day of October 1906, at door No. 393
B. Venkatanarasappa devalaya, Adoni, by
(ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪನವರು)
ಶ್ರೀಲಾಲಾಬಹದ್ದೂರ್ ಶ್ರೀಮಂತ ಆದಾಗಿ ಸರ್ಕಾರ ಕಾಯಿ
(ಅಂಗಡಿಸಾಯಪ್ಪನವರು)

Execution admitted by (ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪ)
ಶ್ರೀಲಾಲಾಬಹದ್ದೂರ್ ಶ್ರೀಮಂತ ಆದಾಗಿ ಸರ್ಕಾರ ಕಾಯಿ ಮಾಂಡ
(ಅಂಗಡಿಸಾಯಪ್ಪನವರು)

ಶ್ರೀ ಎಂ ಸೀನಾರಾವ್
ಇವರು ಅಂಗಡಿ ಸಬ್ ರಿಜಿಸ್ಟ್ರಾರ್
ಕೈಗಾಯಿ ಮಾಡಿ

ಅಂಗಡಿಸಾರಾಯಪ್ಪನವರು

Personally known to the Sub Registrar

19th October 1906.

M. R. Srinivasa Rao
Ag: Sub Registrar
(ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪನವರು)

Registered as No 48 of Book IV, Volume 5, pages 419 & 420.

19th October 1906

Fee paid Rs 13-8-0
M R. Srinivasa Rao
Ag. Sub-Registrar
(ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪನವರು)

ಮಾಳಿ ಆದಾಗಿ ಸಬ್ ರಿಜಿಸ್ಟ್ರಾರ್
ಆಲೂರು ಸಬಾಮಾಲಿ ಅಂಗಡಿ ಸೀನಾರಾವ
ಕೈಲಾಸಪ್ಪನವರು ಅಂಗಡಿಲಿಸಾರಾಯಪ್ಪನವರು

Certified that the Mysore Stamp duty of rupees five only has been levied this document and credited into

The Bangalore District Treasury

on the 6th December 1906.

(Signed) H. H. Sparkes

Dated 6th December 1906

Dy Commr
Bangalore Dt

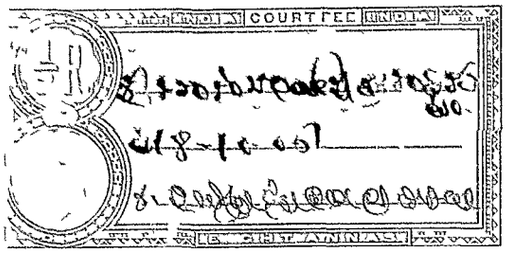
Initialled

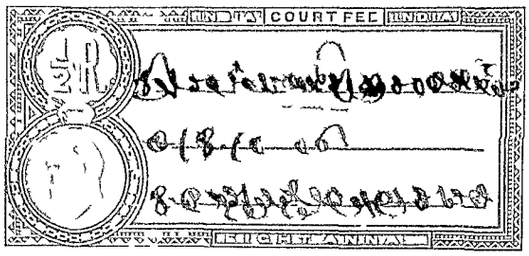
D. V.

True copy taken and the original returned to Agent Jayaramachar of the Sri Uttarade Matt.

Bangalore
7/12/06

Ananta Samudra
Secty Mizrac Deptt





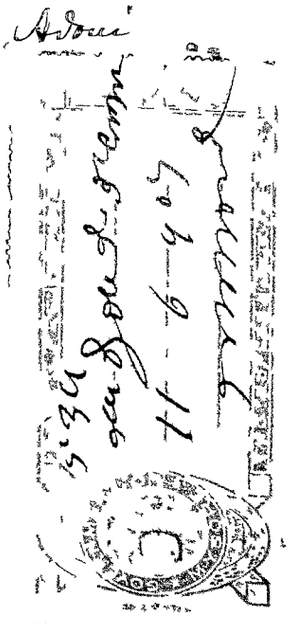
॥श्रीरामचंद्रायनमः॥

As a petition has to be presented on my behalf to the Government of His Highness the Maharajah of Mysore, praying for the reconsideration and recission of certain orders relating to the employment and emoluments of some office holders of Sree Ootharadhi Mutt, and embodied in the Proceedings of the Government dated, 9th March 1906, I, Sree Sathya Gnana Theertha Sree Pathamagalavaru, the present Swami of the said Ootharadhi Mutt, do hereby authorise and empower Mr. C.R. Tiruvenkatachari, Vakil, High Court, Madras, and Advocate , Cheif Court, Mysore, to sign and present a petition on my behalf to His Highness' Government for the above purpose, and also to appear on my behalf before His Highness' Government and make such representations or explanations to them, regarding the above matter as may be necessary or required. श्रीमत्सत्यज्ञानतीर्थश्रीपादंगदवरसुत

Executed before me.
V. Gopalacharlu
18.10.06
Sty Sub. Magte, Adoni

Recovered & affixed

accepted
C.R. Tiruvenkatachari
31/5/07.



accepted
[illegible]
31/5/07

315

Subbanna
Chara &
—3

I, [illegible] rapi [illegible], [illegible]rama
Char, the petitioner ab[illegible] [illegible]
do hereby constitute, appoint and
retain Mr. Tanjore Rajaram
Rao, Pleader Bezwada, to be my
Vakil in this matter and appear and
act on my behalf. I hereby abide
by, conform to and ratify all
that the said Mr. T. Rajaram Rao
[illegible] do or cause to be done in
this behalf. [illegible]

22-7-907

[illegible]

Arguments of the Chembhoques & others against the present Review Petn. from the Math.

శ్రీమన్మహారాజాధిరాజాధిరాజాధిరాజ బహద్దూరవర
కార్యనిర్వాహక సభవారలు మరియు శివస్వాతంత్ర్యకాంక్షిణి పత్రికా
సంపాదకులవారు సన్నిధానమందు —

— అర్జీదారు —
శ్రీ-శ్రీ ఉక్కరాదిమఠద శ్రీ-శ్రీ సత్య
జ్ఞానకీర్తి తీర్థపాదంగళవరు —

— యదురు అర్జీదారరు —
శ్రీ మఠదంశ్రేను భోగ సీతుమాధవా-
చార్యువనిసికొళ్ళు —

ఇదేనెంబర్ పుస్తకమియల్లి యదురు అర్జీదారరు వినయపూర్వకవాగి అరికెమాడువుదేనందరే —

(1) ఈ పుస్తకద్దు మియల్లి యావ ప్రకారద మేలు అర్జీదారరు మనరాజీనామా తిరస్కరిసిదుదేయిరువుదు అదు యావుదన్నుకొండు తీర్పు అర్జియన్నుకొట్టిరుత్తారో ఆ అర్జియు 1906 నేమాచ్ 9 రల్లి కొట్టిద్దాగిదె - ఉపరి అర్జియు 1906 నేక్టోబరు 4 నేదినాంకదవాగిరుత్తే. ఉదరింద 9 దినగళు నావకాశదమేలే తరల్పట్టిరువుదు మనవియు అంగీకారార్హవాగిల్లా. మత్తు ఈ నావకాశక్కే వేరే కారణవూ కాణిసలిల్లా. —

(2) మేలినకలంగళల్లి ఉదరిసిద పుస్తకద ఆర్జియ విషయదల్లి అర్జీదారరు ఈగ నమూదిసువ ఆక్షేపణెగళు ఆగమోక్త-రక్షిసువుదల్లి అవు, ఆగలే అర్జీదారరు వరవాగి కోరిసలిల్లవు అదరకుళక్కే అవకాశ సురియాగుత్తాదెంబుదన్ను శ్రీమన్మహారాజాధిరాజాధిరాజాధిరాజ బహద్దూరవర సర్కారదవరు తమ్మ తీర్పు తరవేత్తద్దాగిదె —

(3) మేల్కండ 1906 నేమాచ్ 9 నేదినద మర్యాదెయల్లి కార్యనిర్వహిసిద వరు యావ క్రియయన్ను కైగొండిరుత్తారో ఆ క్రియయు అవర శేషియాదుదు మత్తు వాదక్కే తీర్పు నీడా కొళ్ళల్పట్టిద్దాగిదె. అదు యావ భావదల్లూ - యావ - రూపదల్లి నిందలూ, తారియల్లిరలక్కే అనరూపవాగిరువుదిల్లా - ఈ రీతి ప్రకార యదురు అర్జీదారరిగె బరలిసిద కాదనదాయవన్ను అవరు శివలింగోపాసకరు మాత్రవల్లదె కెలవు భాగద్రోహి యెంబుదు. అవరు కూడిదే యాగి హొందువరవల్లదే వాగి అర్జీదారర శ్రేయస్సిగె కేరిద్దక్కు గళు యావుదే పేక్షేగళు నిర్వహిసిద కారణద కాణిసిదంతే అవరు అర్జీదారర పక్షదల్లి నిలువుదు — సాధ్యవల్లదు ఎంబుదు

సాధ్యవల్లదు ఎంబుదు

(4) ఉపదేశకారాకారణాంతరసంబంధసర్వారదవర ప్రతిపాదకత్వంబుచేతనే. యా-
ప్రపంచము అనుభవదారరమేతయుద్ధకేణమేసంపన్నసర్వారదవగు శ్రీనుత్తిద్ధద్వయదురు ప్రతిదారర
కర్తృవర్గికేసేబంధు యదురు ( ) ప్రతిదారరు కేవలతదిద్ధతికి యన్నమహాధానవకినికేవలతపేక్షిం
చునిర్వారదవరన్నచేగిరమేతే ప్రవరు ( ) ప్రతిదారగవాదవన్నప్రవరకతే యేతంతరిందకేర్పమేల్పం
త 1906 నేమాసి 6 నేమగు ప్రతిదారన్నక్షేంత్రవరాదరు ఉంథా ప్రతిదారన్నయూగ
ప్రతిపాదకత్వనత్వేకకిత్తిర్గాద ప్రతిదారరభవనకే రుష్టురమత్తినేవుంకేవో ప్రదన్నపేనవుర్గస్వా
రదవరేయేతాంతికర ప్రాగవాకిత్తే. ---- ---- ----

(5) ఏయదురు ప్రతిదారరు కతదిద్ధతికి వికారదల్లనమాధానక్కే బరలు యేతంతర ప్రహ
కేయన్న ప్రతిదారరు (ప్రతిపాదకత్వ) ప్రతిపాదకత్వాకే ఉం ప్రతిపాదకత్వయనిరాధారవాదద్ధాకథే సోవిందాచా
ర్య శ్రీమతద యేతంతకేంబువదు సోతిదారాందవక్కల్పక్కుబురుక్కే; శ్రీమతద ప్రతిపాద
విషయవాకినర్వారదల్లవిత్తాకినికి శ్రీమతదకేల పనర్గుశ్రీకికరవాద్ధికికేబరువహాగి యేకాడు
మాతికోంతుపూగలు శ్రీమతదిందాకర్గుహినల్పక్కుపరేంబువదునిదుష్టవాకిరుక్కే ప్రవరుమా
కిదవాదగర్గన్న ప్రవరుకర్గికిదానమాధానగర్గన్నప్పార్వదవరుకేర్గి శ్రీమతదయేర్గికేసోన్నర
నర్వారదవరుమాతిద యేతాంతుగర్గికేలవతరవికారదల్లవక్కలు యేతంతరిగే అధికారవరల
ల్లేందుకక్కేకికిత్తిర్గాద ప్రతిదారరు ఉంగహోర్గువదు అంగికారాహవల్లేంబువదు కర్గా
రదవర ప్రతిపాదకత్వకేబలదేయురలారదు. శ్రీమతదయేతంతరు శ్రీమతదయేర్గికేసోన్నర
మాతదకక్కేవహారగర్గికేల్లామరాధికకికర్గుతవాద్ధారకేంబువదుసోక్కేయుధే. సోవిందాచార్య
రు ఉంథాగంగకియన్నేతాంతగలుకర్గురినల్పక్కువరాగి ప్రతిదారరే ప్రగలయువరకుందినవకే
ప్రగలే ప్రగమాతికియురలల్లా. ప్రదకారణాప్రసోవిందాచార్యరహోర్గికేప్రకారా ప్రగిరువ
కర్గానక్కే ప్రతిదారరు వర్గగాకియురుక్కాకే. అంథాకర్గానపురద్ధాగతేకేందు ప్రతిదారరుల్లా
కేల్పిసువదాదరేమరాధికక్కేకే ప్రతిదారరహోకరూరాగి అంగికరినల్పక్కువరక్కద్ధాకహా ప్ర
క్షేపణయేసర్వగాగిరద్ధాగకక్కద్ధాగిధే. ---- ---- ----

(6) ముఖ్యశ్రీమతకికోతల్పక్కువరహాన్నమిరాశేగర్గల్లా శ్రీమన్నరారాతారాజా
నాహి ఇల్లహద్దూరవరమక్కు ప్రవరసర్వారదశ్రేయుక్కాత్రనేనాగికోతల్పక్కద్ధాగిధే అంథా
మాన్నమిరాశేగర్గుతుతియలకోతుగర్గవ్యహారగర్గసేశిక్షినప్పకక్కరే ప్రవుగర్గుయావ
పుద్ధేశ్వికాగికోతల్పక్కువో ప్రవుద్ధేశ్వపునేరవేరదేయోతక్కే. ప్రదకారణాకక్కేకికిత్తిర్గాద
ప్రతిదారరు ప్రవరరిందినవరోరహూతల్పక్కుయేతాంతన్న ప్రక్షేపనదశేయూధమదవుక్కే

శ్రీవైష్ణవ సేరవేరువంశీయులు, సోదరత్వము. (౨) మన మహారాజా వారాజాజా హోలీ బహద్దరవార

ధర్మకర్తృత్వ శిరోశేఖరిత్వము యదురు అర్చకదారరు వజ్రాలిసుకొన్నారి ———

(7) ఊరగ అర్చకదారరు రత్నాలు తీసికొందురు కేవలిసుకొన్నారు అంటే అర్చకరు స్థానదిందా

అర్చకదారరిగె పూజికొలవాద యావళొనవన్నాగి యదురు అర్చకదారరిగె పుంజుమాడల్పట్టిల్లా మత

ధికత్వ బదలాయిసిదనంతర్థదల్లి గ్రంథాబదలాయిసిదవారదవరు సుమతియన్నుకొడియతక్కద్ద

శ్రీమఠదకేలసవాగిరు. యేళాంతసోదరిందాంతాగిద్దరమూల ఉంథా సుమతియన్నుకొడియబేకెం

దు శ్రీమఠదవరు బేరిద్దరిందవుంతాదరూపకాశదల్లి యదురు అర్చకదారరుకొడిద్దకెరిసారిగం

బంధదిందవుంతాగిద్ద అర్చకత్వగళిగె యన్నుక్రమవకొడతక్కద్ద హిందూధర్మసంస్థానవాగియూ, దేవస్థా

నముంతాదధర్మసంస్థానకసేవ్యకనిబేంధువాదంథ శ్రీ వాగియూ, లోకానాయిందాయే

కాదాగిరువేరేరిదుబరాలు ఉలాఖెయవరముఖ్యకర్తవ్యవాగిరు, ప్రదకారణా ఊర్వవల్

కోమర్తిక్రిగల్లిగె అనుసారవాగియూ, ఉభయ అర్చకదారరిగె విహితవాగియూ, అనుమత

వాగియూ, సదరలు లాఖెహారేపత్తు ఆగిరువ 1906సి॥ మార్చి 9సి॥ మర్నుమిన ఆర్చక

రు యావఖానూనిసూకద్దరిసువిహాధిసిల్లా. ———

(8) మేల్కండు ఊరకారణాగల్లిందపైనవుల్లవర్గారరవరు అర్చకదారర అర్చకత్వవన్ను

సదరమూల మేల్కండ 1906సి॥ మార్చి 9సి॥ మర్నుం అర్చకన్నుక్రిరవకొడిసబేకాగి ఊం

యదురు అర్చకదారరు వినయకూడదవాగి కాదిరుత్తారె. ———

రాజయోగ సేవు కాచార్య

పారమార్థ అణ్ణాచార్య

[illegible]

రంగసేవ అనే నాచార్య

No. 212

Encl. 9 and 1 Sealed Cover.

Office of the Govt. Advocate

5341
23.5.07

Bangalore - 23d May 1907.

Refer
[illegible]
23/5/07

From

The Government Advocate in Mysore

To

The Secretary to the Government of H. H. the Maharaja of Mysore
Muzrai Department

Sir,

In reply to your letter No. 5353 dated 17th May 1907, I have the honor to enclose, in a sealed cover, a statement of my views on the merits of the petition presented by the Swamigala of Sri Uttaradi

Mutt. praying for a review of the Proceedings of Government No. 3779-92½ Revy F. 3-1902 dated 9th March 1906.

The file of papers received with your letter are hereunto returned.

I have the honor to be
Sir,
Your most obedient servant
S. Narayana Rao
Govt. Advocate.

In the matter of review petition presented by the Swamigalu of Uttaradi Math.

1. The petition prays for a reconsideration and recession of the Proceedings of Government Order No. 3779-92½ Muz H. 3-1902 dated 9th March 1906, in the following respects only:—

(a) The Government acted ultra vires in directing the restoration to service of some of the dismissed servants of the Math and the payment of arrears of pay for which they had obtained decrees.

(b) The order of Government directing the payment of the pay of the said servants for the period subsequent to that for which they had obtained decrees is open to still greater objections.

2. The Shanbogs and other servants of the Math obtained decrees declaring that their appointments are hereditary and that they had been wrongfully kept out of their office. The decrees further awarded their pay for two years and the costs of the suits.

3. The decrees remain unsatisfied, but the decreeholders, in execution of their decrees, placed

under attachment the income of the properties of the Mutt which the Government have taken possession of for diverse reasons. The agent of the Mutt objected to these attachments but the Civil Court overruled these objections and refused to withdraw the attachment. The Swamigalu petitioned for restoration of the lands of the Mutt and for payment of the income of the same in the hands of Government, and the hereditary servants also prayed that Government would pay them or send over to the Civil Court the amounts attached in satisfaction of their decrees. They also prayed for a transfer of their decrees through the Honorable the Resident to Hyderabad Courts for execution, where the Swamigalu had been staying ever since the passing of the decree. The Government had to decide the following points :—

(1) Whether the income of the Devadaya lands and the money grants made for the worship of Sree Rama Devaru of the Mutt can be allowed to be attached in execution of decrees against the Mutt?

(2) Whether the Swamigalu who had successfully defied and disobeyed the decree of the highest Court of justice in the ~~land~~ province deserves to be helped by restoration of possession

of the lands with the accumulated income of the same?

3. Whether any steps should be taken to have the decrees transferred to the Hyderabad Court?

4. While the matter was under consideration, overtures of compromise seem to have been made both on behalf of the Swamigalu and on behalf of the hereditary servants of the Inatt in which Sir P. N. Krishna Murti and the Muzroi Secretary took part. The person who then represented the Inatt was no other than Govindachar, wife's sister's ~~the eldest~~ son of the late Swamigalu and the brother of the present Swamigalu. The Government proceedings now sought to be reviewed is the result of such a compromise.

5. While retaining all the advantages which the Swamigalu derived under the said proceedings, it is now sought to undo the same in the only respects in which the Swamigalu had to yield. Though the Government Order refers to the compromise in a manner, yet it unfortunately reads as if it were a decision of the Government. It is a question whether the Government will permit the Swamigalu to get behind the compromise on the ground that Govindachar who ~~re~~ represented

represented the Mutt at the time had not been empowered by the late Swamigalu to consent to such a compromise. Assuming that the compromise is invalid we have to see whether the decision in the above respects can be justified on any other grounds.

7 This is a Mutt very largely endowed by Government. It is therefore the interest of the Government to see that the Mutt retains its efficiency and prestige so that the endowed property is used for the purpose intended. The Courts of law have declared that the Shanbog and other offices in Mutt are hereditary. It is very probable that these offices were rendered hereditary with a view to ensure the stability of the Mutt. In these circumstances it is perfectly open to Government to place all the Inam lands and money grants under attachment until the Swamigalu conforms to the immemorial usages of the Mutt, and gets out of the undignified position of a judgment debtor who keeps out of the province where a large number of Sishyas residi, with a view to avoid compliance with the directions of the Court.

8. Towards religious institutions endowed

by Government, the Mysore State occupies a position quite different from that occupied by the Government in British India. The Swamigalu on whom honours and privileges are conferred by His Highness and who receives sashlangams from His Highness is expected to conduct himself in a manner becoming his dignity, and the Government cannot be indifferent in the matter.

9. Confining ourselves to the technically legal aspect of the questions involved in the review, we have to hold that out of the amounts in the hands of Government, a portion sufficient to satisfy the decrees in execution of which attachments have been issued, cannot be paid to the Swamigalu until the attachment has been withdrawn by the Court. As to the award of the pay of the said servants subsequent to the date of the decrees, the order cannot be supported.

S. Narayana Rao
Govt. Advocate.

Bangalore
30th August 1908.

Dear Sir,

With reference to the conversation we had in the matter of the decrees obtained by some of the servants of the Ettaradi Mutt, the following course may, I think, be adopted.

2. If the Sri Swamy and the decree holders agree (1) as to the employment to be given to the latter in lieu of the offices for which decrees have been passed, (2) as to the amount to be paid ~~for the~~ in satisfaction of the said decrees for wages, (3) as to the amount payable on account of their wages for the subsequent period and (4) as to the rate of their pay for the future, the details of settlement will have to be reduced

between the parties, and engrossed on a properly stamped paper and registered. The fact of the satisfaction of the decrees will have to be reported to the court in each case.

3. If the parties do not come to any settlement and the decrees are to be executed by the attatch-ment of the produce of the Devadaya Inam granted to the Mutt by Government, in pursuance of the orders passed by the civil courts in the execution of the decrees, this amounts to a misapplication of the funds for purposes other than those authorised by the conditions of the grant.

4. These Inams and money-grants were, I believe, made for the purposes of the 'Padithara deparadhane' of Sri Rama Devaru in the Mutt. The payment of wages to the servants who assist at the seva or Puja is no doubt a legitimate charge to be incurred But when, as in the present inst-ance, owing to the disputes between the Swamy and the alleged heridi-tary S[illegible], the income of the

a t

to the latter though they render no service, there can be no doubt that to this extent, the endowed property is diverted for purposes other than those named in the Inam Sannad. In these circumstance the Government will be justified in resuming the grants.

5. The decree holders (or some of them) seem to have attempted to execute the decrees against some Inams belonging to the Mutt, situ-ated in British India and the District Judge of Salem, I believe, has passed an order to the effect that unless the decree holders succeed in getting some one of their family appointed to the office named, none of them can execute the decree.

6. It will be for the benefit of the decree holders to come to some terms. If not they will not be able to realise their decree amount at all.

Yours faithfully

S. Narayanaraw

Ananthasaran Rao Esq.

Mace in file
[illegible]
16/July 09

1909

No. 493

Name of Petitioner, Servants of the Sri Uttaradi Matt

Village, Hole Narsipur

Taluk, — do

District, — do

Date of Arzi, 14th July 09

Date of Receipt, 15th — do

Date of Disposal,

No. of Enclosure,

ABSTRACT

The petitioners are the hereditary servants of the Sri Uttaradi Matt at Hole Narsipur, and state that they have been suffering much owing to the non payment of the amounts sanctioned in Govt.

GPB—500—17-5-09

proceedings date
9th March 1906,
and a.a. for early
disbursement —

HR
15.7.09.

PEDs

1. Srinivasamurti acker
2. Narasimhamurti acker
3 Shamacker
4 Gopalacker

[illegible]
15.7.09.

No 493

శ్రీమన్మహారాజశ్రీ కృష్ణరాజేంద్ర వడయార్ బహదూర్ వారి
సన్నిధానమునకు —

ఉభయ కావేరి మధ్య ప్రదేశమునకు సంబంధించిన
రహస్యమైన విషయమును గూర్చి మీకు వ్రాయ
వలసియున్నది —

(1) మీకు తెలిసియున్నట్లు రాయచూరు జిల్లాలోని
కృష్ణానదికి ఉత్తరమున నున్న కొన్ని గ్రామములు
మన రాజ్యమునకు చెందినవి. కాని ఆ గ్రామములు
ఇరువురి రాజులకు సంబంధించినవి. కాబట్టి
మీ ఆధీనమునందున్నవి. కాబట్టి రాయచూరు
జిల్లాలోని కృష్ణానదికి ఉత్తరమున నున్న గ్రామములు
మన రాజ్యమునకు చెందినవి కనుక మీ-
రక్షణలో నున్నవి. మీ ఆధీనమందు నున్న
మీ వలన మన రాజ్యమునకు. రక్షణలో నున్న మీ-
యొక్క ఆధీనములో నున్నవి కనుక మీ ఆధీనమందు
నున్న గ్రామములు మన రాజ్యమునకు చెందినవి
కనుక మీరు మాకు అప్పగించవలెనని కోరుచున్నాము —

రాయచూరు 3779-92/ తేదీ 3/1909 తేదీ గల వారి శ్రీ కితాబులు
9-3-1909 —

(2) నా వద్ద శ్రీ [illegible] పత్రములు [illegible] —

రాష్ట్ర గవర్నర్ శాసనసభ సంస్థ లేదా సంస్థల
రాష్ట్రపతి శ్రీ జగదీశ్ టైటలర్ మరియు
మరి రాష్ట్ర గవర్నర్ ప్రధాన కార్యదర్శి అయిన
శ్రీ ఎం. శంకర్ శేషాద్రి గారికి తెలియజేయు
పరిస్థితి ఏర్పడినది కాబట్టి ఆ.పి. శాసన
సభ సంస్థ సంబంధించి ఆర్థిక సంవత్సరాలు
మార్చి 31 వ తేదీ 1907 నాటికి
రాష్ట్ర ప్రభుత్వ ఖర్చు వివరాలతో
పాటు ఆర్థిక నివేదికలు మరియు
నగదు సంబంధిత వివరాలు - - -

(3) ఆంధ్రప్రదేశ్ రాష్ట్ర
మరియు రాష్ట్ర గవర్నర్ లేదా రాష్ట్రపతి
ప్రధాన కార్యదర్శి వద్ద ఉన్న
ఆర్థిక సంబంధిత వివరాలు
తెలియజేయడం కొరకు ఆర్థిక శాఖ
అధికారులు ఆంధ్రప్రదేశ్ రాష్ట్ర
ఆర్థిక పరిస్థితి గురించి తెలియజేయు
సమాచారం - - - - - - -

(4) కుటుంబ నియంత్రణ లేదా
కార్యక్రమాలకు సంబంధించి ఆంధ్ర
ప్రదేశ్ రాష్ట్ర పరిస్థితి రాష్ట్ర
గవర్నర్ శ్రీ జగదీశ్ టైటలర్ గారికి
తెలియజేయడం కొరకు ఆంధ్రప్రదేశ్
రాష్ట్ర ప్రభుత్వ ఆర్థిక శాఖ
నుండి ఒక అధికారి ఆంధ్రప్రదేశ్
నుండి 30.40 శాతం
లోపు ఉన్నట్లు కార్యక్రమాలు -

సంబంధించి సంబంధిత శాఖ నివేదిక

[illegible]

[illegible] 14-7-907

रा. नभोग सेतु माधवाचार्य

[illegible]

यज्ञो विविष्णुपादाचार रजु

[illegible]

रजु उत नंताचार्य

[illegible]

पा॥ भीमाचार्य रजु॥

रजु वेणीमाधवाचार्य

ब॥ कृष्णाचार्य रजु

[illegible]

पविद्यमाधवाचार्य

षट्श्रुति देवसनिरामाचार्य रजु

व. केंकोबाचार रजु

य. सत्यबोधाचार्य नरजु

गुरु [illegible]

सत्यसुबंणाचार्य नरजु

G.R.S. 28]

File No. 162-06

Serial No. 10

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

the 190

Date of issue 25th January 1910

Signed by Mr A. S. Iyer.

READ— Govt. Pro. No 3779-92½ / Muzt 3-02 dated 9th March 1906, recognizing the succession of Vedamurti Jayachar as Swamigalu of the Sri Uttaradi Mat at Holé Narsipur, and also passing orders in the matter of the claims of Shanbhogue Srinivasa Murtiachar and other decree-holders against the Matt.

~~ORDER THEREON.—No.~~

Petition dated 5th Decr. 1906, received from Jayaramachar, Agent of the Matt under a Power-of-Attorn praying for a review of the above order of Govt

~~over~~ Order

SUBJECT

GPB—10,000—10-4 06

Order thereon :- 1807-20 of 7-1-10.

In the Pro: of the 9th march 1906 read above, the Govt, while recognizing the succession of the present Swamigalu to the Sri Uttaradi Math, directed the payment to the former servants thereof of the amounts decreed to them by Civil Courts and also the remuneration for periods subsequent to the date of the decrees, and ordered the withdrawal of the attachment of the landed properties and cash tasdik of Rs 526/- per mensem of the Math.

2. The present Swamigalu has applied for a review of this order and for rescission of such portions thereof as are unfavorable to him. The reasons urged are :-

(1) That the order cannot be looked upon as one based on the consent of the parties in-as-much as the two points that should have formed the basis of all settlement, viz, the of a lump sum in lieu of a Remuneration on gross income ~~for periods~~

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet (all form.)

~~subsequent to the periods for which decrees had been obtained~~, and the employment of his decree-holders in any capacity which would not involve personal service to the Swamigalu, were not accepted by the counter-petitioners or by Govt.

(2) That Govindachari had no authority to agree to the summary disposal by the Executive Govt. of claims adjudicated upon by Civil Courts.

(3) That Govindachari's consent could not validate the order for payment of emoluments ~~of~~ for the periods subsequent to the decrees.

(4) That the Executive Govt. have no jurisdiction to order the enforcement of decrees.

(5) That an application for execution of decrees could only be made to a Civil Court which would pass orders after considering all the legal objections which it was open for the judgment debtor to take.

(6) That in accordance with

No 382 dated 25th Octr 1894, the monthly cash allowance payable to the Math by Govt is not liable to be attached in execution of decrees of Civil Courts

(7) That that portion of the order which directs the payment of remuneration for the period subsequent to the decrees is even more objectionable in as much as this question did not arise in the course of the execution of the decrees and even a Civil Court could deal with it only on a separate suit being filed

The Math also requested that in accordance with para 14 of the order of 9th March 1906, the landed properties and the accumulated savings should be made over to the Math

3 When the case was heard before Govt, Mr C R Iruvengadachar represented the Math and urged the points noted above The counter-petitioners, viz, the Math servants appeared in person, and Ananta Ayen as their spokesman urged that the order sought to be modified was right as much as the Chief Court had decided that the income of the villages was liable to attachment

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

in execution of ~~their~~ their decrees. He also added that it was scarcely fair for the Matt to object to portions of the order of March 1906 while accepting the benefits conferred by it.

The Govt. Advocate [illegible] at the hearing

4 All attempts to bring about an amicable settlement between the parties having failed, the Govt. of H. H. the Maharaja now proceed to decide the case on the merits. Govt. admit that the objections urged on behalf of the Matt to the portions of the order of March 1906 directing the enforcement of the decrees and the payment of remuneration for the periods subsequent to the decree are technically sound. Experience has shown that it was impossible for the Muzrai Secretary, who under this order ~~was~~ had ~~empowered~~ to ~~direct the payment~~ pay of the amounts due to the servants, to ascertain the amounts due, and distribute them among the surviving members of the decree holders' families ~~and~~ after settling the various legal questions that arose in the course of such distribution. Recently,

Matt has also instituted ~~by~~ proceedings in the Mysore Civil Courts to set aside the decrees referred to above on the ground that they have been based upon fraudulent documents. For these reasons, the Govt. are of opinion that those portions of the order of 9th March 1906 which direct the enforcement of the decrees and the payment of remuneration for the periods subsequent to the decrees should not be given effect to and they are hereby pleased to cancel the same.

5. The outstanding disputes between the Matt and its former servants, which chiefly contributed to the mismanagement that led to the temporary attachment in 1904 of the landed properties of the Matt, being thus not settled Govt are further pleased in modification of para 14 of the order of 9th March 1906 to direct that this temporary attachment do continue for some time.

Print

H H's orders)

G.
22/12/1909

For Secretary.
W/ 21-12-09

To The Dy Commrs of Dts.
" Rev: Commr. in Mysore.
" Supdt of Survey & Main Settlements.
" Compt., Mysore Govt.
" Registrar, Chief Court.
" Swamigaln of the Sri Uttaradi Matt under cover of at
" Setuva Madhavaghar

Counterpetitioners

4

On the application of the Uttaradi Math. praying for review of the Govt.-Order of 9th March 06, ~~now under disposal~~ the question was considered whether it would be possible to effect an amicable settlement between the parties. But this has been found to be impossible not only because the parties are irreconcilable, but also because the basis of settlement therein suggested is impracticable. For, even if separate employment were found for the hereditary Shanbogues in Mysore as required by para 13 of the said order, ~~there would still be~~ the present question would still arise in connection with their dismissal from such separate offices, if the Shanbogues misbehaved in such offices

5) The petition for the review of the Order has therefore ~~only~~ to be disposed of, on ~~its merits~~ other grounds. It is ~~no doubt~~ true that the Civil Courts have decided against the Matt, and the Govt. Order of 9th March 1906 was issued, ~~for go~~ directing, among other things, ~~for the enfo~~ that the decrees of the Courts should be given effect to. But further consideration has shewn that the ~~Matt~~ decision is ~~inequitable~~ not unimpeachable, ~~and~~ that the Matt has a strong case and that the Order of March ~~1906 should be modified~~, Under such Circs the Matt servants ~~being~~ can only ~~directed~~ be left to seek their remedy in the Civil Courts, both for the amounts decreed and for ~~the~~ any remuneration they may ~~due~~ claim for the subsequent period. ~~It has~~ Further, it has come to the notice of Govt that the Matt has since

"In the case of hereditary offices under Govt. if the holder of the office is found guilty of any heinous office hence agst the Govt. such as embezzlement, murder or the like, the office is generally conferred on one or more of his descendants, if in the opinion of the Govt. they are competent to discharge its duties."

based as it is upon ~~the~~ supposition that (to quote from the Judgt of the Sub Judge McRamaswamy Iyer in OS No 50 of 1891 on the file of the Subjudge's Court at Myrmed) which is ~~notorious~~ manifestly incorrect.

instituted proceedings in the Mysore Civil Courts to set aside the decrees referred to above, on the ground that they ~~have been~~ are based upon fraudulent ~~bonus~~ documents.

6. For these reasons, the Govt are of opinion that the portions of the Order of 9th March of which direct the enforcement of the decrees and the payment of remuneration for the periods subsequent to the decrees should not be given effect to, and they are hereby pleased to cancel the same.

7. As regards the restoration of the landed properties and cash mains to the Math, there are cogent reasons for withdrawing the orders of restoration. The outstanding disputes between the Math and its former servants ~~remain unsettled~~ which led to the temporary attachment of the properties

in 1904 still ~~to continue to~~
remain unsettled, ~~that~~ and
~~even~~ if according to the
decrees of the Civil Courts
it is held that the Matt
is bound to pay such large
sums to the decree holders
without their rendering any service to the Matt
~~though they rendered no~~
~~service~~, it will be such a
diversion of the endowments
as by itself may fairly
be considered as sufficient
justification for attaching
the endowments and keeping
them under the management
of Govt. In these circum-
stances the Govt. are pleased
to direct, ~~that~~ in modification
of para 14 of the Order of 9th
March 06, that the temporary
attachment of the endowments
and their management
~~for some time~~ by Govt
do continue until further
Orders.

SHB
Sec'y

Fair Draft.

Proceedings of the Govt. of H. H. the Maharaja of Mysore.

M U Z R A I.

R e a d:-

Government Proceedings No.3779-32½/Muz.3-02 dated 9th March 1906 recognising the succession of Vedamurti Jayachar as Swamigalu of the Sri Uttaradi Matt at Pole Narsipur and also passing orders in the matter of the claims of Shamillague Srinivasa Murtiachar and other decree-holders against the Matt.

Petition dated 5th December 1906 received from Jayaramachar, Agent of the Matt under a Power of Attorney praying for a review of the above order of Government.

- - - - - - - - - - - -

Order thereon:-No. 1807-20/Muz.7.162-09-2
Dated Bangalore, 25th January 1910.

- - - - - -

In the Proceedings of the 9th March 1906 read above, the Government while recognising the succession of the present Swamigalu to the Sri Uttaradi Matt, directed the payment to the former servants thereof of the amounts decreed to them by Civil Courts and also the remuneration for periods subsequent to the date of the decrees and ordered the withdrawal of the attachment of the landed properties and cash tasdik of Rs.526/- per mensem of the Matt.

2. The present Swamigalu has applied for a review of this order and for rescission of such portions thereof as are unfavourable to him. The reasons urged are:-

(1) That the order cannot be looked upon as one based on the consent of the parties in-as-much as the two points that should have formed the basis of all settlement viz. the payment of a lumpsum as remuneration in lieu of a percentage on the gross income and the employment of the decree-holder in any capacity which would not involve personal serv

the Swamialu were not accepted by the counter-petitioners or by Government.

(2) That Govindachari had no authority to agree to the summary disposal by the Executive Government of claims adjudicated upon by Civil Courts.

(3) That Govindachari's consent could not validate the order for payment of emoluments for the periods subsequent to the decrees.

(4) That the Executive Government have no jurisdiction to order the enforcement of decrees.

(5) That an application for execution of decrees could only be made to a Civil Court which would pass orders after considering all the legal objections which it was open for the judgment-debtor to take.

(6) That in accordance with Government order No.382 dated 25th October 1894 the monthly cash allowance payable to the Matt by Government is not liable to be attached in execution of decrees of Civil Courts.

(7) That that portion of the order which directs the payment of remuneration for the period subsequent to the decrees is even more objectionable in as much as this question did not arise in the course of the execution of the decrees and even a Civil Court could deal with it only on a separate suit being filed.

The Matt also requested that in accordance with para 14 of the order of the 9th March 1906 the landed properties and the accumulated savings should be made over to the Matt.

3. When the case was heard before Government Mr. C. R. Tiruvengadachar represented the Matt and urged the points noted above. The counter-petitioners viz.the Matt servants appeared in person and Anantachar as their spokesman urged that the order sought to be modified was right in as much as the Chief Court had decided that the income of the inam villages was liable to attachment in execution of these decrees. He also added that it was scarcely fair for the Matt to object to portions of the ord

of March 1906 while accepting the benefits conferred by it. The Government Advocate was also present at the hearing.

4. On the application of the Uttaradhi Matt praying for review of the Government order of 9th March 1906 the question was considered whether it would be possible to effect an amicable settlement between the parties. But this has been found to be impossible not only because the parties are irreconcilable but also because the basis of settlement therein suggested is impracticable. For even if separate employment were found for the hereditary shanbhogues in Mysore as required by para 13 of the said order the present question would still arise in connection with their dismissal from such separate offices if the shanbhogues misbehave in such offices.

5. The petition for the review of the order has therefore to be disposed of on other grounds. It is true that the Civil Courts have decided against the Matt and the Government order of the 9th March 1906 was issued directing among other things that the decrees of the Courts should be given effect to. But further consideration has shewn that the decision is not unimpeachable based as it is upon the supposition that(to quote from the judgment of the Sub Judge Mr. Ramaswamy Iyer in O.S.No.50 of 1891 on the file of the Sub Judges Court at Mysore) "in the case of hereditary offices under Government if the holder of the office is found guilty of any heinous offence against the Government such as embezzlement, murder or the like the office is generally conferred on one or more of his descendants if in the opinion of the Government they are competent to discharge its duties" which is manifestly incorrect. Under such circumstances the Matt servants can only be left to seek their remedy in the Civil Courts both for the amounts decreed and for any remuneration they may claim for the subsequent period. Further, it has come to the notice of Government that the Matt has since instituted proceedings in the Mysore Civil Courts to set aside the decrees referrred to above, on the ground that they are based upon fraudulent documents

6. For these reasons, the Government are of opinion that the portions of the order of 9th March 1906 which direct the enforcement of the decrees and payment of remuneration for the periods subsequent to the decrees should not be given effect to, and they are hereby pleased to cancel the same.

7. As regards the restoration of the landed properties and cash inams to the Matt there are cogent reasons for withdrawing the orders of restoration. The outstanding disputes between the Matt and its former servants which led to the temporary attachment of the properties in 1904 still remain unsettled, and if according to the decrees of the Civil Courts, it is held that the Matt is bound to pay such large sums to the decree-holders without their rendering any service to the Matt, it will be such a diversion of the endowments as by itself may fairly be considered as a sufficient justification for attaching the endowments, and keeping them under the management of Government. In these circumstances the Government are pleased to direct in modification of para 14 of the order of 9th March 1906 that the temporary attachment of the endowments and their management by Government do continue until further orders.

(Fair draft)

For Offg: Secretary to Government.

To

The Deputy Commissioners of Districts

" Revenue Commissioner in Mysore.

" Superintendent of Survey and Inam Settlements

" Comptroller Mysore Government.

" Registrar, Chief Court of Mysore.

" Swamigalu of the Sri Uttaradhi Matt under cover of a Vignapatrika.

Sethumadhavachar and other counter-petitioners.

Proceedings of the Government of His Highness the Maharaja of Mysore,

READ—

Government Proceedings No 3779-92½—Muz F 3-02, dated 9th March 1906, recognising the succession of Vedamurti Jayachar as Swamigalu of the Sri Uttaradi Matt at Hole-Narsipur and also passing orders in the matter of the claims of Shanbhog Srinivasamurthachar and other decree holders against the Matt

Petition dated 5th December 1906, received from Jayaramachar, Agent of the Matt under a power of attorney, praying for a review of the above order of Government.

No. 1807-20—MUZ. F. 162-06-2, DATED BANGALORE, 25TH JANUARY 1910.

ORDER THEREON.—In the Proceedings of the 9th March 1906, read above, the Government, while recognising the succession of the present Swamigalu to the Sri Uttaradi Matt, directed the payment to the former servants thereof of the amounts decreed to them by Civil Courts and also the remuneration for periods subsequent to the date of the decrees and ordered the withdrawal of the attachment of the landed properties and cash tasdik of Rs. 526 per mensem of the Matt.

2. The present Swamigalu has applied for a review of this order and for rescission of such portions thereof as are unfavourable to him. The reasons urged are :—

(1) That the order cannot be looked upon as one based on the consent of the parties inasmuch as the two points that should have formed the basis of all settlement, *viz.*, the payment of a lump sum as remuneration in lieu of a percentage on the gross income and the employment of the decree-holders in any capacity which would not involve personal service to the Swamigalu, were not accepted by the counter-petitioners or by Government.

(2) That Govindachari had no authority to agree to the summary disposal by the executive Government of claims adjudicated upon by Civil Courts.

(3) That Govindachari's consent could not validate the order for payment of emoluments for the periods subsequent to the decrees.

(4) That the executive Government have no jurisdiction to order the enforcement of decrees.

(5) That an application for execution of decrees could only be made to a Civil Court which would pass orders after considering all the legal objections which it was open for the judgment-debtor to take.

(6) That in accordance with Government Order No. 382, dated 25th October 1894, the monthly cash allowance payable to the Matt by Government is not liable to be attached in execution of decrees of Civil Courts.

(7) That that portion of the order which directs the payment of remuneration for the period subsequent to the decrees is even more objectionable inasmuch as this question did not arise in the course of the execution of the decrees and even a Civil Court could deal with it only on a separate suit being filed.

The Matt also requested that, in accordance with para 14 of the order of the 9th March 1906, the landed properties and the accumulated savings should be made over to the Matt.

3 When the case was heard before Government, Mr. C. R. Tiruvengadachar represented the Matt and urged the points noted above. The counter-petitioners *viz.*, the Matt servants, appeared in person, and Anantachar as their spokesman urged that the order sought to be modified was right inasmuch as the Chief Court had decided that the income of the inam villages was liable to attachment in execution of these decrees. He also added that it was scarcely fair for the Matt to object to

Muzrai, dated 25th January 1910.

portions of the order of March 1906 while accepting the benefits conferred by it. The Government Advocate was also present at the hearing.

4. On the application of the Uttaradi Matt praying for review of the Government order of 9th March 1906 the question was considered whether it would be possible to effect an amicable settlement between the parties. But this has been found to be impossible, not only because the parties are irreconcilable, but also because the basis of settlement therein suggested is impracticable. For, even if separate employment were found for the hereditary shanbhogs in Mysore, as required by para 13 of the said order, the present question would still arise in connection with their dismissal from such separate offices if the shanbhogs misbehaved in such offices.

5. The petition for the review of the order has therefore to be disposed of on other grounds. It is true that the Civil Courts have decided against the Matt and the Government order of 9th March 1906 was issued, directing among other things, that the decrees of the Courts should be given effect to. But further consideration has shown that the decision is not unimpeachable, based as it is upon the supposition that (to quote from the judgment of the Sub-Judge Mr. Ramaswamy Iyer in O. S. No. 50 of 1891 on the file of the Sub-Judge's Court at Mysore) "in the case of hereditary offices under Government if the holder of the office is found guilty of any heinous offence against the Government such as embezzlement, murder or the like, the office is generally conferred on one or more of his descendants if, in the opinion of the Government, they are competent to discharge its duties" which is manifestly incorrect. Under such circumstances the Matt servants can only be left to seek their remedy in the Civil Courts both for the amounts decreed and for any remuneration they may claim for the subsequent period. Further, it has come to the notice of Government that the Matt has since instituted proceedings in the Mysore Civil Courts to set aside the decrees referred to above, on the ground that they are based upon fraudulent documents.

6. For these reasons, the Government are of opinion that the portions of the order of 9th March 1906 which direct the enforcement of the decrees and the payment of remuneration for the periods subsequent to the decrees should not be given effect to, and they are hereby pleased to cancel the same.

7. As regards the restoration of the landed properties and cash inams to the Matt, there are cogent reasons for withdrawing the orders of restoration. The outstanding disputes between the Matt and its former servants which led to the temporary attachment of the properties in 1904 still remain unsettled, and if, according to the decrees of the Civil Courts, it is held that the Matt is bound to pay such large sums to the decree-holders without their rendering any service to the Matt, it will be such a diversion of the endowments as by itself may fairly be considered as sufficient justification for attaching the endowments and keeping them under the management of Government. In these circumstances the Government are pleased to direct, in modification of para 14 of the order of 9th March 1906, that the temporary attachment of the endowments and their management by Government do continue until further orders.

25-1-1910

Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioners of Districts.
The Revenue Commissioner in Mysore.
The Superintendent of Survey and Inam Settlements.
The Comptroller, Mysore Government.
The Registrar, Chief Court of Mysore.
The Swamigalu of the Sri Uttaradi Matt, under cover of a Vignapanapatrika
Sethumadhavachar and other counter-petitioners.

1909-10

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 25th January 1910

No. 1807-20 / Muz. F. 162-06-2

s on the review applica-
galu of the Sri Uttaradi Matt regarding the claims of Shanbhog Srinivasamurtiachar and other decree-holders against the Matt, and the restoration of the landed endowments to the institution.

GPB—25-1-10—250

(ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಕಮಲಾಪುರ)
ಪೌರಕಾರ್ಮಿಕರಿಂದ ಕೆಲಸ
ಕಾಯಂಗೊಳಿಸುವ ಬಗ್ಗೆ
ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು
(ಶ್ರೀ ಎಸ್.ಎಂ. ಕೃಷ್ಣ) ಸರ್ಕಾರ
ಹಿಂದಿನ ಆದೇಶ
ಅಮಾನ್ಯ ಮಾಡಿದ್ದು

ಮೈಸೂರು ಸರ್ಕಾರ ಮಂಜೂರು ಮಾಡಿದ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಸೇವಾ ಲೇಔಟ ಮಂಜೂರಾತಿ ವಿಷಯದ ನಂ.

(ಶ್ರೀ ಮಲಪ ಮೇಲಿನ ಅರ್ಜಿ ಪರಿಶೀಲನೆ ಸರ್ಕಾರ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸರ್ಕಾರದ ~~ವಿಷಯ~~ ಕ್ಷೇತ್ರ ಸಂಖ್ಯೆ ಎಫ್ಎಂಎಲ್-1906 ನೇ ಯೂನಿಟ ಮಂಜೂರಿ ಆದೇಶ ಸಂ. 3779-92½ ನೇ ಸಂಖ್ಯೆ ಕಂದಾಯ ಇಲಾಖೆ ಮಂಜೂರಾತಿ ಆದೇಶ ~~ಮೇಲೆ~~ (ಶ್ರೀ ಮಲಪ ದಯಪಟ್ಟಂತೆ ಸರ್ಕಾರ 230 ಮಂ ಮಂ ಪ್ರಕಾರ ಪ್ರಸ್ತಾಪಿಸಿದ ಮೇಲೆ ಪ್ರಕರಣ 25-1-1910 ನೇ ಸಂಖ್ಯೆ 1807-20 ನೇ ಸಂಖ್ಯೆ ಕಂದಾಯ ಇಲಾಖೆ ಆದೇಶ ಸಂಖ್ಯೆ ಎಫ್ 162-06-2 ಅನ್ವಯ ಸರ್ಕಾರ ಮಂಜೂರು ಮಾಡಿದ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿ ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಸಲ್ಲಿಸಲು ಕೋರಿದೆ

ಕಾರ್ಯದರ್ಶಿ
6/1/100

Secre

No. 1920—31 91 2/10

[illegible]

[illegible]

[illegible]

([illegible])

[illegible]

[illegible] 1906 [illegible] 3779-92½ [illegible] 25-1-1910 [illegible] 1807-20 [illegible]

By order,

[illegible]

For Secretary

1.2.10.

(1) [illegible]
(2) [illegible]
(3) [illegible]
(4) [illegible]
(5) [illegible]
(6) [illegible]
(7) [illegible]
(8) [illegible]
(9) [illegible]
(10) [illegible]
(11) [illegible]
(12) [illegible]